Also, memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States to repeal the Federal transportation tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 6057. A bill for the relief of Anacortes Shipways, Inc. (Pacific Shipways Division), and for other purposes; to the Committee on the Judiciary.

By Mr. HERTER:

H. R. 6058. A bill for the relief of S. L. Ayres & Co., Inc.; to the Committee on the Judiciary.

H. R. 6059. A bill for the relief of Mrs. Zumrut Zelveian, Haig Zelveian, and Mary Zelveian; to the Committee on the Judiciary.

By Mr. KEOGH:

H. R. 6060. A bill to confer jurisdiction on the Court of Claims of the United States to hear, determine, and render judgment upon the claim of the Hawaiian Airlines, Ltd.; to the Committee on the Judiciary.

By Mr. McMILLAN of South Carolina:

H. R. 6061. A bill for the relief of Mrs. Ethel N. Plunkett; to the Committee on the Judiciary.

By Mr. MORRISON:

H. R. 6062. A bill to authorize the President of the United States to present the Congressional Medal of Honor to Thomas W. Doyle; to the Committee on Armed Services.

By Mr. MULTER:

H. R. 6063. A bill for the relief of Cosmo Casati; to the Committee on the Judiciary.

By Mr. POULSON:

H. R. 6064. A bill for the relief of Hanna Mussbach; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1668. By Mr. ELSTON: Petition of Frank Rohe and 54 other residents of Cincinnati, Ohio, and vicinity, urging support of legislation to reduce postage for relief packages mailed to certain European countries; to the Committee on Post Office and Civil Service.

1669. By Mr. LARCADE: Petition of Mrs. N. J. Amy and other members of the Woman's Christian Temperance Union of Eunice, La., in regard to S. 265; to the Committee on Interstate and Foreign Commerce.

1670. By Mr. NORBLAD: Petition signed by Dorothy D. Dunmire and 27 other citizens of Clackamas County, Oreg., in support of the Marshall plan; to the Committee on Foreign Affairs.

1671. Also, petition signed by Mildred L. Anderson and 22 other citizens of Dallas, Oreg., in support of the Marshall plan; to the Committee on Foreign Affairs.

1672. Also, petition of Mrs. Lois C. Upjohn, of Salem, Oreg., and 34 other citizens of the State of Oregon, in support of the Marshall plan; to the Committee on Foreign Affairs.

1673. By the SPEAKER: Petition of Slovak Action Committee petitioning consideration of their resolution with reference to Slovak national independence; to the Committee on Foreign Affairs.

1674. Also, petition of Naval Reserve Officers Association of Tokyo, Yokohama Chapter, No. 159, petitioning consideration of their resolution with reference to mobilization of the Reserve and enactment of the European recovery program; to the Committee on Armed Services.

1675. Also, petition of J. Jasper Spurling and others, petitioning consideration of their resolution with reference to opposition to a peacetime draft; to the Committee on Armed Services.

1676. Also, petition of Jean Eaton and others, petitioning consideration of their resolution with reference to opposition to the Towe bill (H. R. 4278); to the Committee on Armed Services.

SENATE

WEDNESDAY, MARCH 31, 1948

(Legislative day of Monday, March 29, 1948)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, inspire us to carry on during this day with confidence and a clear vision of the glorious triumph of justice and righteousness.

May all who are serving our generation in these times of unparalleled problems be guided by Thy spirit to find practical and promising ways of mediating to struggling humanity the Master's way of the more abundant life.

Fortify us against those specters of fear which haunt us in our hours of perplexity. May we never surrender to defeatism. Help us to bear testimony that we are the intrepid pilgrims of a greater faith and a larger hope.

In Christ's name we pray. Amen.

THE JOURNAL

On request of Mr. WHERRY, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 30, 1948, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 30, 1948, the President had approved and signed the following act:

S. 2182. An act to extend certain provisions of the Housing and Rent Act of 1947, to provide for the termination of controls on maximum rents in areas and on housing accommodations where conditions justifying such controls no longer exist, and for other purposes.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 2361. An act to provide for a temporary extension of the National Housing Act, as amended;

H. R. 718. An act for the relief of Clarence J. Wilson and Margaret J. Wilson;

H. R. 986. An act for the relief of Leslie H. Ashlock;

H. R. 1215. An act for the relief of Kazue Oda Takahashi;

H. R. 1586. An act for the relief of Mrs. Leslie Price, Philip C. Price, Mrs. Louise Keyton, Annie Curry, and James Curry;

H. R. 2214. An act for relief of Dave Hougardy;

H. R. 2347. An act for the relief of Mrs. Akiko Tsukado Miller;

H. R. 3061. An act for the relief of Victor C. Kaminski (also known as Victor Kaminski);

H. R. 3118. An act for the relief of Mrs. Susan W. Roe;

H. R. 3229. An act to exempt Hawaii and Alaska from the requirements of the act of April 29, 1902, relating to the procurement of statistics of trade between the United States and its noncontiguous territory;

H. R. 4177. An act for the relief of William L. Cunliffe;

H. R. 4478. An act to provide basic authority for certain administrative expenditures for the Veterans' Administration, and for other purposes;

H. R. 4938. An act to amend the Tariff Act of 1930 with reference to platinum foxes and platinum-fox furs, and for other purposes;

H. R. 4943. An act to extend the authority of the Administrator of Veterans' Affairs to establish and continue offices in the territory of the Republic of the Philippines;

H. R. 5049. An act to reopen the revested Oregon & California Railroad and reconveyed Coos Bay Wagon Road grant lands to exploration, location, entry, and disposition under the general mining laws; and

H. J. Res. 355. Joint resolution making appropriations for foreign aid, welfare of Indians, and refunding internal-revenue collections.

ARTHUR H. VANDENBERG

Mr. WHERRY. Mr. President, on March 31, 1928, a young man came to Washington from Michigan to take his place in the Senate by appointment. During his years of service since that time, he has distinguished himself, not only as a citizen of Michigan, not only as a great statesman of the United States of America, but as a leader in world affairs. I pay my compliment today, in this brief comment, to the distinguished senior Senator from Michigan, ARTHUR H. VANDENBERG, the President pro tempore of the Senate, who has blazed a notable trail in these 20 years and has set before us an enviable pattern of faithful and high-minded public service. I suggest that when the history of our times is written ARTHUR H. VANDENBERG will occupy a glorious place as a great statesman and a great American. [Applause.]

Mr. DONNELL. Mr. President, the distinguished Senator from Nebraska has, I am sure, stated the sentiments not only of the minds but of the hearts of the Members of the Senate, for not only has our distinguished President pro tempore—who has at times commented with some question mark in regard to the pro tempore portion of his title—given to us a magnificent example of leadership and statesmanship, but by his fine personal qualities he has endeared himself to the Members of this great body. As one of the newer Members of the Senate, and one who has long been an admirer of the Senator from Michigan, I take pleasure in joining the Senator from Nebraska in his eloquent expressions of appreciation.

MAINTENANCE OF DOMESTIC RUBBER INDUSTRY—CONFERENCE REPORT

Mr. BRICKER. Mr. President, I submit a conference report on House bill 5314, to strengthen national security and the common defense by providing for the maintenance of an adequate domestic rubber-producing industry, and for other purposes, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The conference report will be read.

The Chief Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5314) to strengthen national security and the common defense by providing for the maintenance of an adequate domestic rubber-producing industry, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Rubber Act of 1948'.

"DECLARATION OF POLICY

"SEC. 2. It is the policy of the United States that there shall be maintained at all times in the interest of the national security and common defense, in addition to stock piles of natural rubber which are to be acquired, rotated, and retained pursuant to the Strategic and Critical Materials Stock Piling Act (Public Law 520, Seventy-ninth Congress, approved July 23, 1946), a technologically advanced and rapidly expandible rubber-producing industry in the United States of sufficient productive capacity to assure the availability in times of national emergency of adequate supplies of synthetic rubber to meet the essential civilian, military, and naval needs of the country. It is further declared to be the policy of the Congress that the security interests of the United States can and will best be served by the development within the United States of a free, competitive synthetic-rubber industry. In order to strengthen national security through a sound industry it is essential that Government ownership of production facilities, Government production of synthetic rubber, regulations requiring mandatory use of synthetic rubber, and patent pooling be ended and terminated whenever consistent with national security, as provided in this Act.

"AUTHORITY TO EXERCISE CERTAIN CONTROLS OVER NATURAL RUBBER AND SYNTHETIC RUBBER AND PRODUCTS CONTAINING NATURAL AND SYNTHETIC RUBBER

"SEC. 3. To effectuate the policies set forth in section 2 of this Act, the President is authorized to exercise allocation, specification, and inventory controls of natural rubber and synthetic rubber, and specification controls of products containing natural rubber and synthetic rubber, notwithstanding any changes in the supply or estimated supply of natural rubber or synthetic rubber; and he shall exercise such controls by issuing such regulations as are required to insure (a) the consumption in the United States of general-purpose synthetic rubber in a specified percentage of the combined total estimated annual consumption of natural rubber and general-purpose synthetic rubber consumed within the United States, and (b) the consumption in the United States of any or all types of special-purpose synthetic rubber in specified percentages of the combined total estimated annual consumption of natural rubber, general-purpose synthetic rubber, and special-purpose synthetic rubber consumed within the United States. Such percentages shall be established so as to assure the production and consumption of general-purpose synthetic rubber and special-purpose synthetic rubber in quantities determined by the President to be necessary to carry out the policy of section 2 of this Act, and the provisions of Public Law 520, Seventy-ninth Congress, approved July 23, 1946: *Provided*, That the minimum percentages established by the President shall result in a total annual tonnage consumption of synthetic rubber of at least the amounts specified in section 5 (d) of this Act, and that any mandatory consumption in excess of the quantities specified in section 5 (d) of this Act shall not be more than is deemed by the President to be necessary in the interest of national security and the common defense.

"IMPORTATION AND EXPORTATION

"SEC. 4. (a) The President may impose such import restrictions on finished and semifinished rubber products as he deems necessary to assure equality with like or similar products produced within the United States in accordance with regulations issued under this Act.

"(b) The President may exempt from the regulations issued under this Act finished and semifinished rubber products manufactured in the United States exclusively for export outside the United States.

"DOMESTIC RUBBER-PRODUCING CAPACITY

"SEC. 5. (a) There shall be maintained at all times within the United States rubber-producing facilities having a rated production capacity of not less than six hundred thousand long tons per annum of general-purpose synthetic rubber and not less than sixty-five thousand long tons per annum of special-purpose synthetic rubber.

"(b) Of the sixty-five-thousand-long-ton rated production capacity for special-purpose synthetic rubber, specified in section 5 (a) of this Act, at least forty-five thousand long tons shall be of a type suitable for use in pneumatic inner tubes.

"(c) The synthetic rubber used to satisfy the mandatory consumption provided in section 3 of this Act shall be produced by the Government or for the Government account, or purchased from others for resale by the Government or for the Government account.

"(d) Facilities in operation by the Government or private persons shall produce annually not less than one-third of the rated production capacities specified in section 5 (a) and (b) of this Act.

"(e) The facilities to be maintained in operation by the Government and those to be maintained in adequate stand-by condition shall be determined from time to time by the President.

"(f) At least one facility for making butadiene from alcohol shall be maintained in operation or in adequate stand-by condition.

"RESEARCH AND DEVELOPMENT

"SEC. 6. (a) To effectuate further the policies set forth in section 2 of this Act with respect to a technologically advanced domestic rubber-producing industry, continuous and extensive research by private parties and the Government is essential. The Government is hereby authorized to undertake research in rubber and allied fields and the powers, functions, duties, and authority of the Government to undertake research and development in rubber and allied fields shall be exercised and performed by such departments, agencies, officers, Government corporations, or instrumentalities of the United States as the President may designate, whether or not existing at the date of enactment of this Act.

"(b) The cost of undertaking and maintaining the research and development authorized in section 6 (a) of this Act may be paid from such sums as the Congress, from time to time, may appropriate to carry out the provisions of this Act.

"OPERATION OF RUBBER-PRODUCING FACILITIES BY THE UNITED STATES GOVERNMENT

"SEC. 7. (a) The powers, functions, duties, and authority to produce and sell synthetic rubber conferred in section 7 (b) of this Act shall be exercised and performed by such department, agency, officer, Government corporation, or instrumentality of the United States as the President may designate, whether or not existing at the date of enactment of this Act.

"(b) The department, agency, officer, Government corporation, or instrumentality of the United States designated by the President pursuant to section 7 (a) of this Act shall have the powers, functions, duties, and authority to produce and sell synthetic rubber, including the component materials thereof, in amounts sufficient to assure the production of synthetic rubber as required by the President in section 3 of this Act: *Provided*, That so far as practicable the President shall authorize such production of synthetic rubber, including the component materials thereof, as may be necessary to satisfy voluntary usage of synthetic rubber, including the component materials thereof.

"(c) The aforesaid powers, functions, duties, and authority to produce and sell include all power and authority in such department, agency, officer, Government corporation, or instrumentality of the United States to do all things necessary and proper in connection with and related to such production and sale, including but not limited to the power and authority to make repairs, replacements, alterations, improvements, or betterments, to the rubber-producing facilities owned by the Government or in connection with the operation thereof and to make capital expenditures as may be necessary for the efficient and proper operation and maintenance of the rubber-producing facilities owned by the Government and performance of said powers, functions, duties, and authority.

"(d) Notwithstanding the provisions of this or any other Act, the aforesaid powers, functions, duties, and authority to produce and sell include the power and authority in such department, agency, officer, Government corporation, or instrumentality of the United States to (1) lease for operation for Government account all or any part of the Government-owned rubber-producing facilities in connection with the performance of said powers, functions, duties, and authority to produce and sell; (2) lease, for a period not extending beyond the termination date of this Act, Government-owned rubber-producing facilities for private purposes if such lease contains adequate provisions for the recapture thereof for the purposes set forth in section 7 (b) of this Act and if such lease provides that any synthetic rubber or component material as may be produced by the leased facilities shall not be used to satisfy mandatory requirements established by section 3; (3) grant permanent easements or licenses for private purposes in, on, or over land comprising part of the Government-owned rubber-producing facilities if such grant provides that such easement or license shall not interfere with the use at any time of the rubber-producing facilities involved; and (4) sell or otherwise dispose of obsolete or other property not necessary for the production of the rated capacity of the particular plant to which such property is charged.

"STAND-BY FACILITIES

"SEC. 8. (a) To effectuate further the policies set forth in section 2 of this Act, the President is authorized to place in adequate stand-by condition such rubber-producing facilities as he shall determine necessary to maintain the continued existence of rubber-producing facilities capable of producing the

tonnage of synthetic rubber required by section 5 (a) of this Act.

"(b) Rubber-producing facilities placed in stand-by condition by the President pursuant to section 8 (a) of this Act may be maintained by such department, agency, officer, Government corporation, or instrumentality of the United States, whether or not existing on the date of enactment of this Act, as the President may designate: *Provided*, That nothing contained in section 8 (b) of this Act shall preclude such department, agency, officer, Government corporation, or instrumentality of the United States from entering into contracts with private persons for the maintenance of stand-by facilities: *Provided further*, That the cost of placing facilities in stand-by condition, maintaining such facilities in adequate stand-by condition, and, when necessary, reactivating such facilities, may be paid from such sums as the Congress, from time to time, may appropriate to carry out the provisions of this Act.

"DISPOSAL OF GOVERNMENT-OWNED RUBBER-PRODUCING FACILITIES

"SEC. 9. (a) The department, agency, officer, Government corporation, or instrumentality of the United States designated by the President pursuant to section 7 (a) of this Act shall undertake immediate study, conducting such hearings as may be necessary, in order to determine and formulate a program for disposal to private industry by sale or lease of the Government-owned rubber-producing facilities other than those authorized to be disposed of pursuant to section 9 (b) of this Act. A report with respect to the development of such a disposal program shall be made to the President and to Congress not later than April 1, 1949. On or before January 15, 1950, the President, after consultation with the National Security Resources Board, shall recommend to the Congress legislation with respect to the disposal of the Government-owned rubber-producing facilities other than those authorized to be sold, leased, or otherwise disposed of under the provisions of section 9 (b) of this Act, together with such other recommendations as he deems desirable and appropriate: *Provided*, That the Government shall maintain the ownership of a rated rubber-producing capacity of 600,000 long tons of general-purpose rubber and a rated rubber-producing capacity of 65,000 long tons of special-purpose rubber until a program is formulated and adopted for the sale or lease of such facilities as provided in this section.

"(b) Notwithstanding the provisions of this or any other Act, the department, agency, officer, Government corporation, or instrumentality of the United States designated by the President pursuant to section 7 (a) of this Act may, after consultation with the National Security Resources Board, sell, lease, or otherwise dispose of to private persons any rubber-producing facility, including such facilities as have been declared surplus pursuant to the Surplus Property Act of 1944, as amended, not required to fulfill the capacity set forth in section 5 (a) of this Act upon such terms and conditions as it may determine providing that such sale or lease shall be on the condition that any synthetic rubber or component materials produced in such facility shall not be used to satisfy the mandatory requirements established by section 3 of this Act.

"ADMINISTRATION

"SEC. 10. (a) The President may issue such rules and regulations as he deems necessary and appropriate to carry out the provisions of this Act.

"(b) The President may exercise any or all of the powers, authority, and discretion conferred upon him by this Act, including but not limited to the powers and authority conferred in section 12 of this Act, through such departments, agencies, officers, Government corporations, or instrumentalities of the United States, whether or not existing at the date of the enactment of this Act, as he may direct.

"(c) The President, insofar as practical, shall consolidate all of the powers, functions, and authority contained in this Act in one department, agency, officer, Government corporation, or instrumentality of the United States, whether or not existing at the date of enactment of this Act. The President is authorized to cause a corporation to be organized for the purpose of producing and selling synthetic rubber. Any such corporation so organized shall be authorized, subject to the Government Corporation Control Act and to pertinent provisions of law affecting Government corporations, to sue and be sued, to acquire, hold, and dispose of property, to use its revenues, to determine the character of and necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed and paid, and to exercise such other powers as may be necessary or appropriate to carry out the purposes of the corporation. The Secretary of the Treasury is authorized, out of appropriations made for that purpose, to subscribe to the capital stock of such corporation.

"(d) The President may transfer to the departments, agencies, officers, Government corporations, or instrumentalities of the United States, or to any of them, which he directs to exercise the powers, authority, and discretion conferred upon him by this Act, such rubber-producing facilities, personnel, property, and records relating to such powers, authority, and discretion, as he deems necessary; and he may so transfer all appropriations or other funds available for carrying out such powers, authority, and discretion.

"(e) In addition to the reports required by section 9 (a) of this Act, each department, agency, officer, Government corporation, or instrumentality of the United States to whom the President may delegate any powers, authority, and discretion conferred by this Act shall make an annual report to the President and to the Congress of operations under this Act.

"PATENT POOLING AND USE OF TECHNICAL INFORMATION

"SEC. 11. (a) To effectuate further the policies of this Act, the President is authorized and directed to take such action as may be appropriate with respect to patent pooling, patent licensing and exchange of information agreements entered into with the Government as a part of the wartime synthetic rubber program and, insofar as practicable and consistent with the purposes of this Act, to effectuate immediate cessation of further accumulation of technical information or rights to patents under the agreement dated December 19, 1941, as supplemented June 12, 1942, between the Government and others.

"(b) Any department, agency, officer, Government corporation, or instrumentality of the United States as the President may designate to perform the powers, functions, duties, and authority referred to in section 7 (b) of this Act shall be entitled to the benefits of the Act of June 25, 1910 (36 Stat. 851), as amended July 1, 1918 (40 Stat. 705), or any similar Act.

"INFORMATION, REPORTS, SUBPENAS, WITNESSES, AND TESTIMONY

"SEC. 12. (a) The President shall be entitled to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, any person and make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this Act.

"(b) For the purpose of obtaining any information, verifying any report required, or making any investigation pursuant to section 12 (a) of this Act, the President may administer oaths and affirmations, and may require by subpena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides, or transacts business, if, prior to the return date specified in the subpena issued with respect thereto, such person furnishes the President with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the President as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof, or physical evidence, in obedience to any such subpena, or in any action or proceeding which may be instituted under this Act on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment, or to any penalty or forfeiture, for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The President shall not publish or disclose any information obtained under this section which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the President determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and, upon conviction thereof, shall be fined not exceeding $1,000 or be imprisoned not exceeding two years, or both.

"PENALTIES

"SEC. 13. Any person who willfully performs any act prohibited, or willfully fails to perform any act required by any provision of this Act or any rule, regulation, or order thereunder, shall upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both.

"JURISDICTION OF THE UNITED STATES COURTS

"SEC. 14. (a) The district courts of the United States, and the United States courts of any Territory or other place subject to the jurisdiction of the United States, shall have jurisdiction of violations of this Act or any rule, regulation, or order or subpena thereunder, and of all civil actions under this Act to enforce any liability or duty created by, or to enjoin any violation of this Act or any rule, regulation, order, or subpena thereunder.

"(b) Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the alleged violation occurred. Any such civil action may be brought in any such district or in the district in which the defendant resides or

transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found; and subpenas for witnesses who are required to attend a court in any district in any such cases may run into any other district. No costs shall be assessed against the United States in any proceeding under this Act.

"EXCULPATORY CLAUSE

"SEC. 15. No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this Act or any rule, regulation, or order issued thereunder, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid.

"EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT

"SEC. 16. Functions exercised under this Act shall be excluded from the operation of the Administrative Procedure Act except as to the requirements of sections 3 and 10 thereof.

"SEPARABILITY

"SEC. 17. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

"DEFINITIONS

"SEC. 18. For the purposes of this Act—

"(a) The term 'natural rubber' means all forms and types of tree, vine, or shrub rubber, including guayule and natural rubber latex, but excluding reclaimed natural rubber;

"(b) The term 'synthetic rubber' means any product of chemical synthesis similar in general properties and applications to natural rubber, and specifically capable of vulcanization, produced in the United States, not including reclaimed synthetic rubber;

"(c) The term 'general-purpose synthetic rubber' means a synthetic rubber of the butadiene-styrene type generally suitable for use in the manufacture of transportation items such as tires or camel-back, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camel-back as determined from time to time by the President;

"(d) The term 'special-purpose synthetic rubber' means a synthetic rubber of the types now known as butyl, neoprene, or N-types (butadiene-acrylonitrile types) as well as any synthetic rubber of similar or improved quality applicable to similar uses, as determined from time to time by the President;

"(e) The term 'rubber-producing facilities' means facilities, in whole or in part, for the manufacture of synthetic rubber, and the component materials thereof, including, but not limited to, buildings and land in which or on which such facilities may be located and all machinery and utilities associated therewith;

"(f) The term 'rated production capacity' means the actual productive capacity assigned to any rubber-producing facilities at time of authorization of construction or as thereafter amended in authorizations of additional construction or alterations thereto and used in published reports and in the records of the Office of Rubber Reserve, Reconstruction Finance Corporation, or successor agency, or privately owned plants, determined by the President based upon operating experience and records as determined from time to time by the President;

"(g) The term 'component materials' means the material, raw, semifinished, and finished, necessary for the manufacture of synthetic rubber;

"(h) The term 'stand-by condition' means the condition in which rubber-producing facilities, in whole or in part, are placed when determined to be not needed for current operations, but are maintained so as to be readily available for the production of synthetic rubber or component materials;

"(i) The term 'person' means any individual, firm, copartnership, business trust, corporation, or any organized group of persons whether incorporated or not, and except for the provisions of section 13 any Government department, agency, officer, corporation, or instrumentality of the United States; and

"(j) the term 'United States' includes the several States, the District of Columbia, the Territories of Alaska and Hawaii, and Puerto Rico.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 19. (a) There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act.

"(b) Until such time as appropriations herein authorized are made, any department, agency, officer, Government corporation, or instrumentality of the United States may, in order to carry out its functions, powers, and duties under this Act, continue to incur obligations and make expenditures in accordance with laws in effect on March 31, 1948.

"EFFECTIVE DATE

"SEC. 20. This Act shall become effective on April 1, 1948, and shall remain in effect until June 30, 1950."

And the Senate agree to the same.

JOHN W. BRICKER,
HARRY CAIN,
A. WILLIS ROBERTSON,
Managers on the Part of the Senate.

PAUL W. SHAFER,
DEWEY SHORT,
W. STERLING COLE,
CARL VINSON,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

REVISION OF UNITED STATES CODE—NOTICE OF HEARING ON H. R. 3214

Mr. DONNELL. Mr. President, notice is hereby given that on Thursday, April 22, 1948, at 10 a. m., a public hearing will begin in room 424, Senate Office Building, Washington, D. C., with respect to the bill, H. R. 3214, to revise, codify, and enact into law title 28 of the United States Code entitled "Judicial Code and Judiciary," before a subcommittee of the Senate Committee on the Judiciary, which subcommittee is composed of Senator MOORE, of Oklahoma; Senator MCGRATH, of Rhode Island; and Senator DONNELL, of Missouri.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

SUPPLEMENTAL ESTIMATE—DEPARTMENT OF THE INTERIOR (S. Doc. No. 134)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior, amounting to $4,000,000, for the fiscal year 1948 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE—DEPARTMENT OF JUSTICE (S. Doc. No. 135)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Justice, amounting to $75,000, fiscal year 1949, in the form of an amendment to the Budget for said fiscal year (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES—FEDERAL SECURITY AGENCY AND DEPARTMENT OF LABOR (S. Doc. No. 131)

A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Federal Security Agency and the Department of Labor, amounting to $4,410,000, fiscal year 1948 (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

SUPPLEMENTAL ESTIMATE—NATIONAL CAPITAL SESQUICENTENNIAL COMMISSION (S. Doc. No. 136)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Sesquicentennial Commission, amounting to $25,000, fiscal year 1948 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE—LEGISLATIVE BRANCH (S. Doc. No. 133)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative branch, amounting to $2,500, fiscal year 1948 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES—CLAIMS FOR DAMAGES AND JUDGMENTS AGAINST UNITED STATES (S. Doc. No. 132)

A communication from the President of the United States, transmitting estimates of appropriation submitted by the several executive departments and independent offices to pay claims for damages, judgments rendered against the United States, and audited claims, as provided by various laws, in the amount of $1,826,586.51, together with an indefinite amount as may be necessary to pay interest, in the form of amendments to House Document 544, Eightieth Congress, second session (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

RELIEF OF CERTAIN POSTAL EMPLOYEES

A letter from the Postmaster General, transmitting a draft of proposed legislation for the relief of certain postal employees (with an accompanying paper); to the Committee on Post Office and Civil Service.

CACHUMA UNIT, SANTA BARBARA COUNTY PROJECT, CALIFORNIA

A letter from the Secretary of the Interior, transmitting, pursuant to law, his report and findings on the Cachuma unit of the Santa Barbara County project, California (with accompanying papers); to the Committee on Interior and Insular Affairs.

AUDIT REPORT OF UNITED STATES MARITIME COMMISSION AND WAR SHIPPING ADMINISTRATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report of the United States Maritime Commission and the War Shipping Administration for the fiscal years ended June 30, 1946, and June 30, 1947 (with an accompanying report); to the Committee on Expenditures in the Executive Departments.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list

of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. LANGER and Mr. CHAVEZ members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"Assembly Joint Resolution 2

"Joint resolution relative to the acquisition of Angel Island in San Francisco Bay as a State park

"Whereas Angel Island in San Francisco Bay is magnificently situated for use as a State park, being centered in a metropolitan population; and

"Whereas Angel Island is 1 square mile in area, and has upon it docks, wharves, barracks, housing and hospital facilities, paved roads, and utilities placed there by the Federal Government; and

"Whereas the island, currently managed by the War Assets Administration, has been declared surplus, and is now available to the State of California at an immense discount; and

"Whereas by previous appropriation, the department of natural resources has ample funds to acquire this island: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the State Park Commission be requested to investigate the suitability of Angel Island, relative to cost, development, cost and mode of transportation, water facilities, and suitability as a State park or recreational area and if, after such investigation, the State Park Commission concludes that it would be desirable for inclusion in the State park system, it would proceed with acquisition; and be it further

"Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the President of the United States, the President pro tempore of the Senate in the Congress of the United States, to the Speaker of the House of Representatives in the Congress of the United States, to each Senator and Representative from California in the Congress of the United States, to the War Assets Administration, to the director of the department of natural resources and the California State Park Commission."

A concurrent resolution of the General Assembly of the Commonwealth of Kentucky; to the Committee on Finance:

"Concurrent resolution memorializing the Congress of the United States with respect to a change in the Federal internal revenue laws relating to traffic in alcoholic beverages

"Whereas under the existing Federal laws, licenses to traffic in alcoholic beverages, and tax stamps upon containers of alcoholic beverages, may be issued to persons who are not licensed under State laws to traffic in alcoholic beverages, and who may not lawfully possess alcoholic beverages under State laws; and

"Whereas by reason thereof illicit traffic in alcoholic beverages is encouraged and enforcement of State alcoholic beverage control laws is impeded: Now, therefore, be it

"Resolved by the General Assembly of the Commonwealth of Kentucky, That the Congress of the United States is memorialized to amend the Federal statutes so as to provide that only those persons who are licensed to traffic in and possess alcoholic beverages under the laws of the State may be issued a Federal license, or Federal tax stamps, for traffic in or possession of alcoholic beverages in such State.

"That the clerk of the house of representatives of the general assembly forthwith forward an authenticated copy of this resolution to the clerks of the respective Houses of the Congress, and to each Senator and Representative in Congress from Kentucky.

"Attest:

"BYRON ROYSTER,
"Chief Clerk, House of Representatives."

A joint resolution of the General Assembly of the Commonwealth of Kentucky; ordered to lie on the table:

"Senate Resolution No. 67

"Joint resolution memorializing Congress to pass a law providing Federal aid for equalizing education opportunities among the several States

"Whereas there exists gross inequalities between the poorer States and the richer States in their abilities to support a desirable educational program; and

"Whereas the poorer States are not in position to provide desirable educational programs when they increase State and local taxation to the maximum of their ability; and

"Whereas ignorance and low educational standards of the poorer States affect the economic conditions of the richer States because migration from one State to another makes the problems of one State the problems of all States: Now, therefore, be it

"Resolved by the General Assembly of the Commonwealth of Kentucky:

"(1) That the General Assembly of the Commonwealth of Kentucky memorializes the Congress of the United States that it, at the earliest possible date, pass the bills providing Federal aid as now waiting action of the Congress in order that the poorer States, and specifically Kentucky, be enabled to provide the present needs for a minimum educational program.

"(2) Copies of this resolution shall be sent to the President and Chief Clerk of the Senate of the United States, the United States Senator from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

"Attest:

"MARY LOU HUBBARD,
"Assistant Clerk of the Senate."
"MARCH 19, 1948."

A memorial of the Legislature of the State of Arizona; to the Committee on Interior and Insular Affairs:

"House Concurrent Memorial 1

"Concurrent memorial requesting a critical investigation of the Drefkoff plan for industrialization of the Navajo Indian Reservation

"To the Congress of the United States:

"Your memorialist respectfully represents:

"The attention of the people of Arizona has been drawn to a plan or proposal, prepared at the instance of the Bureau of Indian Affairs, by one Max Drefkoff, industrial and business consultant, for the socialization and industrialization of the Navajo Indian Reservation.

"This plan contemplates the establishment of numerous industrial plants at various points on the Navajo Reservation, to employ Indian labor. Its objective is a worthy one, and its motive is not questioned.

"However, on the whole the plan is subject to serious criticism. It accords little or no consideration to the Navajo way of life—a way of life which may not be revolutionized either by fiat or by miracle. It ignores physical, geographic, and economic conditions material to its practicality. While featuring industries to which neither the reservation nor its inhabitants are adapted, and some of which have already been tried unsuccessfully, it overlooks great natural resources which could and should be exploited. It contemplates an important expenditure of Government funds which in great measure would inevitably be wasted. It is spiced with injustices alike to the Navajo and those who serve them.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the Congress authorize a thorough investigation of the so-called Drefkoff plan, with a view to determining its feasibility or otherwise.

"2. That the investigation be extended to include a study of such vital factors as the Navajo himself, and his way of life; the Indian Service, by which the affairs of these tribal wards of the Government, are administered, and the Indian trader, an institution of 80 years standing, and that consideration be given to such material phases of the Navajo problem, ignored by the Drefkoff plan, as the establishment of an adequate educational system, including basic principles of health and sanitation; the possibilities of water development for industrial and agricultural pursuits, and, by no means least, the development of a system of improved roads.

"Passed the house March 17, 1948.

"Passed the senate March 18, 1948.

"Filed in the office of the secretary of state March 18, 1948."

A memorial of the Senate of the State of Arizona; to the Committee on Finance:

"Senate Memorial 1

"Memorial requesting Congress to repeal the Federal transportation tax

"To the Congress of the United States:

"Your memorialist respectfully represents:

"There is pending in the Congress of the United States proposed legislation to repeal the 15 percent Federal transportation tax.

"The Federal tax on passenger transportation was enacted as an emergency war measure, its purpose being to curtail pleasure travel and reserve equipment for necessary wartime shipment of men and material.

"The economy of the State of Arizona rests, to a considerable extent, on the revenue derived from tourist travel. The effect of the tax, therefore, is not only to deprive the State of a material source of revenue, but to discourage travel at a time when the expansion of national transportation facilities is vital to the defense of the United States.

"Wherefore your memorialist, the Senate of the State of Arizona, requests:

"1. That the Congress speedily pass the McCarran bill repealing the Federal transportation tax.

"Unanimously adopted by the senate March 19, 1948.

"Filed in the office of the secretary of state March 20, 1948."

A memorial of the House of Representatives of the State of Arizona; to the Committee on Armed Services.

"House Memorial 1

"Memorial requesting the Congress to enact a universal military training law

"To the Congress of the United States:

"Your memorialist respectfully represents:

"It is the fervent hope and the determination of the people of this Nation that the liberty and peace, so hard fought for and

won, shall not give way to the horror of a greater and more devastating world conflict.

"It is the belief of this body that the best guaranty of the efficacy of any plan for a lasting peace and the safeguarding of liberty lies in well-considered preparedness for any emergency that may arise.

"Foremost as a feature of preparedness and as a safeguard to the peace and liberty of this Nation and of the world, stands universal military training for the youth of this Nation.

"A policy of universal military training will impart a knowledge of the essentials of military service to a limitless reserve of citizens upon which this Nation may draw in the event of an emergency, and among the nations of the world will command respect and serve to warn aggressor nations that our country stands ready to protect the liberty and peace-loving peoples of the world.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, requests:

"1. That the Congress of the United States enact legislation providing for universal military training of the youth of this Nation, of such ages and for such periods as to the Congress may seem wise.

"Adopted by the house this 18th day of March 1948.

"Filed in the office of the secretary of state, March 19, 1948."

A letter from H. Franklin Hamilton, president of the Laymen's League of the First Unitarian Church, Cleveland, Ohio, embodying a resolution adopted by that league favoring House Concurrent Resolution 59, to call a conference for the revision and strengthening of the United Nations Charter; to the Committee on Foreign Relations.

By Mr. KNOWLAND:

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"Senate Joint Resolution 12

"Joint resolution relative to the tide and submerged lands off the coast of California

"Whereas on the adoption of the Declaration of Independence, the original States, as successors to the English Crown, became the owners of the tide and submerged lands within their respective borders, and such ownership was retained by them on the adoption of the Constitution and never has been relinquished to the Federal Government since; and

"Whereas the State of California was admitted to the Union on a basis of equality with the original States, possessing and enjoying all the attributes of sovereignty residing in the original States, including the ownership of the tide and submerged lands within its borders; and

"Whereas the decision of the United States Supreme Court in the case of the *United States* v. *California* has held that 'The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of inland waters, extending seaward three nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California. The State of California has no title thereto or property interest therein'; and

"Whereas this decision casts a cloud upon the title of the State of California and all of its subdivisions or persons acting pursuant to its permission, to the tide and submerged lands off the coast of the State of California extending seaward 3 miles; and

"Whereas the Supreme Court has declared that the power to determine the question of ownership resides in the Congress; and

"Whereas the State of California, its subdivisions, and persons acting pursuant to its permission have spent enormous sums of money improving and developing the tide and submerged lands along the coast of California, which improvements and developments are in jeopardy unless the Congress enacts legislation to remove the cloud on the title to said lands created by the Supreme Court decision; and

"Whereas the State of California has developed and made available for public use a system of beaches and parks at great cost and expense to the people of California, and these State-owned and operated beaches and parks have been developed to the point where they are now used and enjoyed by approximately 22,000,000 people per year; and

"Whereas the State of California, its cities, counties, and other political subdivisions have made improvements to tide and submerged lands for many purposes, including but not limited to harbor developments, piers, docks, wharves, jetties, recreational facilities, and industrial sites; and

"Whereas the State of California has had for many years a full and complete set of laws designed for the conservation, regulation, and management of its natural resources in such fields as mining, forestry, beaches and parks, oil and gas, public lands, soil conservation, fish and game, and harbors and navigation, and the State has provided for adequately staffed and financed administrative agencies to carry out these laws; and

"Whereas the State of California, its subdivisions, and persons acting pursuant to its permission have made the investments, improvements, and developments herein set forth in good faith upon the assumption that the State of California was the owner of, and had dominion and jurisdiction over the tide and submerged lands lying off the coast of California; and

"Whereas for many years prior to the Supreme Court decision many agencies of the Federal Government have recognized the ownership, dominion, and jurisdiction of the State of California over these tide and submerged lands; and

"Whereas the cloud created by the decision of the Supreme Court not only affects the investment, development, and improvement already made on and to the tide and submerged lands off the coast of California, but it will prevent further investments in and development to and improvement of these tide and submerged lands off the coast of California, to the detriment of the people of the State of California and of the United States: Now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States be respectfully requested to enact legislation now pending before the Congress, to remove the cloud created by the Supreme Court decision by quitclaiming to the State of California and the other respective States of the United States, and to their subdivisions and to persons acting under and pursuant to their permission, ownership of, title to, and dominion over the lands beneath the tidewaters and navigable waters of the United States a distance seaward 3 miles; so that the State of California, together with the several States, may continue without interruption the title to and dominion and jurisdiction over said lands, thereby perpetuating what has been considered for more than 160 years in good faith to be a proper sphere of State jurisdiction, dominion, and ownership; and be it further

"Resolved, That the secretary of the senate is directed to transmit copies of this resolution to the Senators and Representatives of the State of California and to the Committee on Judiciary of the United States Senate and to the Committee on Judiciary of the House of Representatives and to the President of the United States; and be it further

"Resolved, That the secretary of the senate is directed to send copies of this resolution to the mayors of all California cities and the chairmen of all boards of supervisors of California counties and urge that they, in their local areas, continue unabated their valiant battle for the reaffirmation, by the Congress and the President, of California's unquestioned title to its tide and submerged lands."

By Mr. BARKLEY:

A concurrent resolution of the Legislature of the Commonwealth of Kentucky; to the Committee on Public Works:

"Concurrent resolution memorializing the Congress of the United States concerning the acquisition and maintenance, as a national shrine, of the Albert Sidney Johnston home, the old courthouse and old post office, located in the town of Washington, in Mason County, Ky.

"Whereas Albert Sidney Johnston has properly and justly been recognized by historians as one of the great generals of the Confederate forces during the War Between the States, and it is fitting and proper that his home be maintained and perpetuated as a symbol, to the people of our Nation, of the spirit and leadership which played so great a part in the development of our Nation; and

"Whereas the old courthouse in the town of Washington, in Mason County, Ky., and the old post office, which was the first post office established west of the Allegheny Mountains, are representative of the traditions of our Nation, and of the vision and courage of those men who expanded our frontier westward: Now, therefore, be it

"Resolved by the House of Representatives of the Commonwealth of Kentucky (the Senate concurring therein), That the Congress of the United States be and it hereby is memorialized to enact such legislation as may be required to provide for the acquisition and maintenance, as national shrines, of the Albert Sidney Johnston home and the old courthouse and old post office located in the town of Washington, in Mason County, Ky."

PENSIONS TO VETERANS OF WORLD WAR I

Mr. WHERRY. Mr. President, for the consideration of the Senate, I ask unanimous consent to submit for appropriate reference a resolution adopted by the General Squires Post 3113, Veterans of Foreign Wars, of Fairbury, Nebr., urging that inasmuch as the United States has seen fit to spend vast sums in various foreign-assistance programs, action now be taken to provide a general program of pensions for qualified veterans of World War I. The resolution reads:

Whereas the Government of the United States has money to give in money or material to foreign governments for all sorts of purposes, a great many of which are of doubtful value, we, the members of General Squires Post, No. 3113, Veterans of Foreign Wars, have passed, by unanimous vote, the following resolution:

"Resolved, That by right of service rendered our Government in times of war in foreign countries, and on account of age and infirmity, we feel that veterans of World War I should be paid a pension to aid them in their few remaining years similar to that awarded veterans of the Spanish-American War, and we ask your support of any measures to this end."

ARLO HOWELL,
Commander, General Squires Post, No. 3113, Veterans of Foreign Wars.
FAIRBURY, NEBR.

The PRESIDENT pro tempore. Without objection, the resolution will be received and referred to the Committee on Finance.

PROTEST AGAINST UNIVERSAL MILITARY TRAINING

Mr. CAPPER. Mr. President, I have received a memorial containing the

names of about 385 residents of the community of Newton, Kans., expressing their vigorous opposition to universal military training. It is, in my opinion, such an effective memorial on the subject that I ask unanimous consent to present it for appropriate reference and printing in the RECORD.

There being no objection, the memorial was received, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

NEWTON, KANS., *March 20, 1948.*

To our Representatives in Congress.

GENTLEMEN: We beg to be heard.

We are citizens of Newton, Kans., and vicinity.

We want America strong. We are willing to live, even to die, to make America strong.

There are other things we can do to make America strong. Universal military training, taking our youth from home, school, and church, and putting them in military camps and training, is not the way to make America strong. That is the one step we can take to guarantee that we in America will go as Europe has gone.

No nation has ever adopted military training without going militaristic. Nor has it ever kept a nation from being the attacker or attacked; or made it invincible in war.

We, the masses of Americans who pay in money and sons for what you men plan and vote—we entreat you to save America from militarism.

We will help you make America strong, if you will give us the opportunity.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCGRATH, from the Committee on the District of Columbia:

H. R. 3433. A bill to amend the act entitled "An act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes; with an amendment (Rept. No. 1037).

By Mr. BUCK, from the Committee on the District of Columbia:

H. R. 3998. A bill to provide for regulation of certain insurance rates in the District of Columbia, and for other purposes; with amendments (Rept. No. 1038);

H. R. 4572. A bill to amend section 7 of the District of Columbia Traffic Act, 1925, as amended, to provide for learners' permits, and for other purposes; without amendment (Rept. No. 1039);

H. R. 4636. A bill to amend an act entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," approved February 27, 1929, as amended; without amendment (Rept. No. 1040); and

H. R. 4649. A bill to provide that compensation of members of the Alcoholic Beverage Control Board of the District of Columbia shall be fixed in accordance with the Classification Act of 1923, as amended; without amendment (Rept. No. 1041).

By Mr. CAIN, from the Committee on the District of Columbia:

S. 2409. A bill to amend an act entitled "An act to provide revenue for the District of Columbia, and for other purposes," approved July 16, 1947; without amendment (Rept. No. 1042).

By Mr. BREWSTER, from the Committee on Interstate and Foreign Commerce:

S. 1853. A bill to authorize the Coast Guard to establish, maintain, and operate aids to navigation; without amendment (Rept. No. 1043);

S. 2122. A bill to authorize the Coast Guard to operate and maintain ocean stations; with amendments (Rept. No. 1044); and

H. R. 1036. A bill to provide for the licensing of marine radio-telegraph operators as ship radio officers, and for other purposes; without amendment (Rept. No. 1045).

EXTENSION OF TIME FOR INVESTIGATION OF CERTAIN POSTMASTERS

Mr. LANGER. Mr. President, from the Committee on Post Office and Civil Service, I ask unanimous consent to report Senate Resolution 214, submitted by me on the 22d instant, and I request its present consideration.

There being no objection, the resolution (S. Res. 214) was considered and agreed to, as follows:

Resolved, That the last paragraph of Senate Resolution 81, Eightieth Congress, agreed to June 17, 1947 (authorizing an investigation of the appointment of postmasters), is hereby further amended by striking out the date "March 31, 1948" and inserting in lieu thereof the date "June 30, 1948."

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 31, 1948, he presented to the President of the United States the enrolled bill (S. 2361) to provide for a temporary extension of the National Housing Act, as amended.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing two nominations, which nominating message was referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WHITE, from the Committee on Interstate and Foreign Commerce:

Joseph J. O'Connell, Jr., of New York, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1953;

Elliott B. Roberts, to the rank of commander in the Coast and Geodetic Survey;

Roswell C. Bolstad, to the rank of lieutenant commander in the Coast and Geodetic Survey; and

Harley D. Nygren, to the rank of ensign in the Coast and Geodetic Survey.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BROOKS:

S. 2413. A bill for the relief of Elal Commercial; to the Committee on the Judiciary.

By Mr. BALDWIN:

S. 2414. A bill for the relief of Fremont Rider; to the Committee on the Judiciary.

By Mr. TOBEY (for himself, Mr. BRICKER, and Mr. MCGRATH):

S. 2415. A bill to amend section 5 of the Home Owners' Loan Act of 1933, and for other purposes;

S. 2416. A bill to amend section 19 of the Federal Home Loan Bank Act and subsection (c) of section 402 of the National Housing Act; and

S. 2417. A bill to adjust the premium charge of the Federal Savings and Loan Insurance Corporation; to the Committee on Banking and Currency.

By Mr. MORSE:

S. 2418. A bill to amend the act of July 8, 1943 (57 Stat. 388) entitled "An act to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control"; to the Committee on Agriculture and Forestry.

COORDINATED AGRICULTURAL PROGRAM—AMENDMENTS

Mr. MAGNUSON submitted amendments intended to be proposed by him to the bill (S. 2318) to provide for a coordinated agricultural program, which were referred to the Committee on Agriculture and Forestry and ordered to be printed.

INLAND WATERWAYS CORPORATION—AMENDMENT

Mr. HILL submitted an amendment intended to be proposed by him to the bill (S. 2296) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes," approved June 3, 1924, as amended, which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.

PRINTING OF REPORT ON CONDITIONS IN BITUMINOUS-COAL AND LIGNITE MINES (S. DOC. NO. 137)

Mr. DWORSHAK. Mr. President, I ask unanimous consent to have printed as a Senate document the second report of the Secretary of the Interior, submitted pursuant to Public Law 328, chapter 450, Eightieth Congress, first session, covering conditions in all underground bituminous-coal and lignite mines inspected by Federal coal-mine inspectors during the 6-month period July 1, 1947, to December 31, 1947, inclusive.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE MARSHALL PLAN FOR CHINA—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an address on the subject, The Marshall Plan for China, broadcast by him over the facilities of Station KSL, of Salt Lake City, Utah, on March 30, 1948, which appears in the Appendix.]

LABOR MUST HAVE A POSITIVE NATIONAL POLICY—ARTICLE BY SENATOR THOMAS OF UTAH

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an article entitled "Labor Must Have a Positive National Policy," written by him and published in the magazine North American Labor, for March 14, 1948, which appears in the Appendix.]

PREPAREDNESS FOR DEFENSE—STATEMENT BY SENATOR O'CONOR

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD a statement prepared by him dealing with preparedness for defense, which appears in the Appendix.]

LEAVE OF ABSENCE

Mr. O'MAHONEY asked and obtained consent to be absent from further attendance upon the sessions of the Senate until Monday, April 5, 1948.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. YOUNG asked and obtained consent for the subcommittee of the Committee on Agriculture and Forestry considering Senate bill 2376 to sit this afternoon during the session of the Senate.

Mr. TOBEY asked and obtained consent for the Committee on Interstate and Foreign Commerce to sit for the remainder of today.

Mr. WHERRY. Mr. President, I ask unanimous consent that the Small Business Committee, and also the Senate Investigating Committee, a subcommittee of the Committee on Expenditures in the Executive Departments, be permitted to continue for the remainder of today and tomorrow, if need be, the hearings that were begun this morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRIAL OF THE ORTHODOX BISHOP OF BOSNIA—EDITORIAL FROM THE WASHINGTON POST

Mr. O'CONOR. Mr. President, a further illustration of the ruthless and brutal tactics of the foreign dictators in their attempt to suppress all liberty and freedom is afforded through the account of the so-called trial of the Orthodox bishop of Bosnia, recently conducted in Yugoslavia.

It is proof positive that the Russian satellite countries are following similar tactics to those employed by the Communists of the Kremlin in banishing all who disagree with their godless and undemocratic ideologies.

The Washington Post recently published an editorial, clearly portraying this additional travesty on justice, and, in order that the fullest information may be available to the American people on this present-day menace, I ask unanimous consent to insert a copy of this editorial as a part of my remarks at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SARAJEVO INCIDENT

Through a leak in the iron curtain comes the news of another propaganda trial in "Titoslavia." The victim in this case was the Right Reverend Varnava Nastich, the Orthodox Bishop of Bosnia. The general pattern of his trial at Sarajevo followed that of the trials of the Croatian Roman Catholic Archbishop Stepinats and of the Chetnik leader Mihailovich. That is to say, Bishop Nastich was accused of treason against the regime.

What made the case different was that the bishop in the courtroom boldly admitted the specific charges against him. He acknowledged that he had preached against Communist tyranny, that he had denounced the Communists for having kept the UNRRA supplies for themselves, and that he had expressed the hope that an American Army would come to liberate Yugoslavia. In this, said the bishop, "I spoke what all the people are speaking, feeling and desiring." He went on:

"I believe with people here and everywhere that war between America and the Soviets is inevitable. But rest assured the Soviets will lose that war. I know that our people will meet the American Army with cheers."

The bishop also refused to deny that he had been in communication with the remnant of the Chetniks, which is still holding out in the mountains of Pracha and Rogatzia, and which according to some accounts, has been greatly strengthened by deserters from Tito's conscript armies. When the bishop referred to them as "brave men ready to lay down their lives for their people," there was a demonstration, and the presiding judge, the Montenegrin, Masan Radonich, angrily ordered the spectators cleared from the courtroom. Bishop Nastich was denied the right to make any further speech in his own defense. He was sentenced to 11 years at hard labor, which under the conditions existing in the slave camps, is probably equivalent to a sentence of death.

That he was permitted to go as far as he did is probably to be explained by the ignorance and ineptitude of his judges. Reports of the bishop's defiance are said to have spread rapidly from mouth to mouth. Thus, as propaganda, the trial recoiled on its authors. Incidentally, Bishop Nastich is an American by birth, a native of Gary, Ind. About a year ago he was elected to the episcopate of the Serbian Orthodox Church, and afterward sent to Sarajevo as successor to the Metropolitan Simonich, who was slain by the Croatian Ustachi under the German occupation. It was apparently the purpose of the regime to represent him as an agent of the American imperialists, but the effect was apparently opposite to the intention.

FEDERAL AID TO EDUCATION

The Senate resumed the consideration of the bill (S. 472) to authorize the appropriation of funds to assist the States and Territories in financing a minimum foundation education program of public elementary and secondary schools, and in reducing the inequalities of educational opportunities through public elementary and secondary schools, for the general welfare, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment submitted by the senior Senator from Missouri [Mr. DONNELL].

Mr. MARTIN obtained the floor.

Mr. WHERRY. Mr. President, will the Senator yield so that I may suggest the absence of a quorum?

Mr. MARTIN. I yield.

Mr. WHERRY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	O'Conor
Baldwin	Hayden	O'Daniel
Ball	Hickenlooper	O'Mahoney
Barkley	Hill	Overton
Brewster	Hoey	Pepper
Bricker	Holland	Reed
Bridges	Ives	Revercomb
Brooks	Jenner	Robertson, Va.
Buck	Johnson, Colo.	Robertson, Wyo.
Bushfield	Johnston, S. C	Russell
Byrd	Kem	Saltonstall
Cain	Kilgore	Smith
Capehart	Knowland	Sparkman
Capper	Langer	Stennis
Chavez	Lodge	Stewart
Connally	Lucas	Taft
Cooper	McCarran	Thomas, Okla.
Cordon	McCarthy	Thomas, Utah
Donnell	McClellan	Thye
Downey	McFarland	Tobey
Dworshak	McGrath	Umstead
Eastland	McKellar	Vandenberg
Ecton	McMahon	Watkins
Ellender	Magnuson	Wherry
Ferguson	Malone	White
Flanders	Martin	Wiley
Fulbright	Maybank	Williams
George	Millikin	Wilson
Green	Moore	Young
Gurney	Morse	
Hatch	Myers	

Mr. WHERRY. I announce that the Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate.

Mr. LUCAS. I announce that the Senator from Idaho [Mr. TAYLOR] is absent on public business.

The Senator from Montana [Mr. MURRAY] is absent by leave of the Senate.

The Senator from Maryland [Mr. TYDINGS] is absent because of illness.

The Senator from New York [Mr. WAGNER] is necessarily absent.

The PRESIDENT pro tempore. Ninety-one Senators having answered to their names, a quorum is present.

Mr. MARTIN. Mr. President, just a few days ago while this Chamber was debating the European recovery plan I spoke on behalf of the ERP; for a strong national defense and for a solvent America.

I voted for the foreign-aid program because I felt that, if properly administered, it would be an investment that could prevent world conflict and could make it unnecessary to send our boys to war.

In the course of my remarks, I said:

A little while ago I mentioned my hope that the cost of our international program would rest as lightly as possible upon the American people, with provision of a sound margin for safety. The United States is a rich and powerful nation but there is a limit to our resources. As our national defense and foreign obligations rise, frugality should be the watchword on the home front. Congress has now before it all the appropriation legislation of our Government for the fiscal year. We must eliminate every frill, every proposal for new Federal services which cost the taxpayers money. Every project not immediately necessary should be either postponed or wiped out. The cost of Government functions must be stripped to the bone, and the lobbyists and pressure groups and their pet projects should be booted out the door.

We must remain solvent. We must be strong physically and spiritually if we are to meet the challenge that America must meet today.

To build up the military front will require great expenditures of money that can come only from the work, sweat, and sacrifice of our people. The people who pay the bills must know the value of their freedom and must be prepared to pay the price.

They must insist upon the elimination of new Government services and projects that eat up the money they pay in taxes. The people must know that we cannot spend the same money twice. If we spend it for preparedness we cannot afford an ever-increasing bureaucracy, swollen pay rolls and expanded Federal functions on the home front. The people must choose between liberty and independence and expensive governmental embroidery. If we love freedom we must be willing to forego the high-priced frills that have become part of our Federal system.

Only by the strictest economy can we provide the necessary funds to insure ourselves against tyranny and aggression. The Communists would like to see us in financial collapse—debt-ridden and bankrupt. That is the soil in which the seed of communism thrives.

Yet in the face of an uncertain future and the necessity for huge expenditures for peace and preparedness the administration has come forward with the most expensive proposals. They would add billions of dollars to the cost of Government here in America.

Whether we like it or not, this is the time for Spartan courage and sacrifice. We must keep America dynamic and solvent.

Mr. President, I think those words make my position clear today in opposition to S. 472. If we are to meet our international commitments and build up our armed forces we must forego additional services and additional grants-in-aid to the lower levels of government.

Now, I find the Senate—in the face of ERP, in the face of tax reduction, in the face of additional appropriations for national defense which may reach heaven only knows what cost, considering opening up new avenues of Federal expenditures.

We are asked to pioneer a new program at a cost of $300,000,000 for the first year and more and more in succeeding years.

What we have here—let us face it frankly—is the beginning of something which will grow and grow through the years. This is something which, if started, probably no Congress will ever succeed in bringing to a halt. No future Congress will be able to resist the pressure to increase the three hundred millions to more and more.

Some months ago a group of educators came into my office urging my support of this measure. When they were questioned whether $300,000,000 could do the job they had in mind, they admitted that it was only a start.

They explained that the $300,000,000 for the first year and perhaps the second year was merely to get the precedent established. After that—they said frankly—they would go after increased appropriations. They would press for more—for $500,000,000 a year—for seven hundred and fifty millions a year. Perhaps they would need $1,000,000,000 a year to widen and expand their program.

Mr. President, the proponents of this bill are actuated by worthy and noble purposes. I join them in devotion to the cause of education and equal opportunity for every boy and girl in America to obtain a basic education.

In my own State of Pennsylvania in the past 5 years, including my term of office as Governor, our entire educational system has been reorganized. Teachers' salaries were greatly increased, the finances of school districts were placed on a more substantial basis, and educational opportunities were equalized so that the boys and girls in the poorer districts are given instruction equal to that provided in the districts more favorably situated. I am proud that I had a part in that splendid achievement.

But let me point out that unless America remains solvent—if we are not strong enough to turn back the rising tide of communism and its ruinous philosophy—even the educational opportunities which we enjoy today will go down to destruction.

Let us, therefore, make doubly sure that we can preserve what we now possess before we undertake a spending program such as is proposed in this bill.

Mr. President, there is another phase of the pending legislation that gives me great concern. It is the tendency toward centralized Federal control of education which cannot be avoided if this bill is enacted.

One of the bulwarks of our country's greatness has been the free educational system directed and controlled by local authorities in the States and civil subdivisions. I am not unmindful that the advocates of this bill assure us that provision has been made for the States and communities to retain control of their educational systems, subject only to audit by the Federal authorities. But experience has demonstrated that whenever funds are provided from the Federal Treasury control from Washington is inevitable and grows stronger from year to year.

One of the strongest arguments I can present may be found in a minority report on a measure considered in 1943 which was similar in many respects to S. 472. That report was joined in by three of our distinguished, able, and sincere colleagues, the Senator from Ohio [Mr. TAFT], the Senator from Minnesota [Mr. BALL], and the Senator from Nebraska [Mr. WHERRY]. In that report they said:

> We do not subscribe to the doctrine that because our public schools and our educational facilities are a vital element in our national welfare they thereby become the proper concern and implied responsibility of the National Government.
>
> Our schools are one of the few remaining bulwarks of local self-government and community enterprise. They should so remain.

In the same minority report it was stated:

> The bill, therefore, does not do the very thing which it is supposed to do.
>
> Equalization, as a matter of fact, cannot be secured except by complete Federal control and direction. Everyone agrees that complete Federal control and direction are worse than the inequality which now exists—Congress ought not to give away Federal funds to the States, with no Federal control over the spending of the funds. If, on the other hand, the Federal Government is to retain control over the expenditures and to dictate them, then it means Federal control of education—an alternative equally obnoxious. There is no middle ground.

Mr. President, unquestionably some States need help to finance education within their borders. I would suggest not a plan to subsidize their educational systems from the Federal Treasury, but rather than they be given an opportunity to help themselves. Let Congress withdraw to some extent from the field of taxation so that the States can move into the field relinquished by the Federal Government.

A more equitable allocation of tax sources among the three levels of government would aid States and local communities to meet this problem. At the same time it would prevent the creation of another center of bureaucracy at Washington.

For these basic reasons I am opposed to S. 472 and shall vote against it.

Mr. President, I now ask unanimous consent to have printed in the RECORD at this point in my remarks an article entitled "Arguments For and Against Federal Aid to Education," written by Hon. M. Vashti Burr, deputy attorney general of Pennsylvania, and published in the December 1947 issue of State Government, the official publication of the Council of State Governments.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARGUMENTS FOR AND AGAINST FEDERAL AID TO EDUCATION

(By M. Vashti Burr, deputy attorney general of Pennsylvania)

It is a fundamental concept of government in the United States that certain of the powers of government are of such intimate concern to the individual and to the community that they belong solely, and must remain solely, in the several States and their political subdivisions. Any control by the Federal Government over the exercise of those powers, to say nothing of the centralization of such powers in the Federal Government, must inevitably threaten or destroy local self-government or home rule.

In the absence of a responsibility directly imposed upon the Federal Government by the Constitution, the Congress should not appropriate enormous sums for recurrent subsidies to the States, on a continuing and ever-increasing basis, for purposes which are the direct concern and prerogative of the State and local governments. It is urged, and rightly so, that the States should finance their own needs with respect to functions of government that are primarily State and local. The national debt is nearly $300,000,000,000, whereas the total indebtedness of the States does not greatly exceed $2,000,000,000. The Congress of the United States has sufficiently heavy responsibilities in finding ways and means of reducing the national debt and paying the billions required for interest on that debt, of balancing the Federal budget, of adopting measures for the adjustment of Federal-State tax relations, of aiding in postwar adjustments in fields definitely within the scope of Federal responsibility, and of meeting the world-wide emergency which requires that we give such aid as we can toward relief and rehabilitation in other lands.

If State and local governments are to finance their own needs, they must not be deprived of sources of revenue which will enable them to help themselves. Recent and continuing studies concerning the possible ways of coordinating Federal and State taxation are evidence of the realization that one of the most important keys to the preservation of home rule is an equitable division of tax sources. By assuring that the States shall have adequate tax sources, the State can enlarge the taxing powers of local units of government. As stated by Gov. James H. Duff, of Pennsylvania: "By enlarging the tax base, local communities can more fairly distribute the cost of government and be enabled thereby to solve their local problems in the way that people want them solved at home."

The comments above apply generally to proposals which would have the effect of pyramiding Federal subsidies or grants-in-aid. Here let us consider one of the most far-reaching of the pending proposals, popularly referred to as Federal aid to education. This proposal, in one guise or another, has long been a source of controversy.

Among the more important of the numerous bills on the subject introduced in the Eightieth Congress are S. 199, introduced by GEORGE D. AIKEN, and S. 472, introduced by ROBERT A. TAFT, for himself and others, both bills referred to the Senate Committee on Labor and Public Welfare. The companion to S. 472 in the House is H. R. 1871, introduced by LAURIE C. BATTLE. However, the more active House bill on the subject during the first session was H. R. 2953, introduced by EDWARD O. MCCOWEN, which differed from the original S. 472 principally in that it set a different minimum allotment per child. The House Committee on Education and Labor deferred action on H. R. 2953 until

further inquiries could be made regarding the need for and desirability of such legislation. The avowed purposes of the proposed legislation, and its broad scope, are indicated in the titles of the Senate bills:

S. 199. To authorize the appropriation of funds to assist the States in more nearly equalizing educational opportunities among and within the States by establishing a national floor under current educational expenditures per pupil in average daily attendance at public elementary and secondary schools and by assistance to nonpublic tax-exempt schools of secondary grade or less for necessary transportation of pupils, school health examinations and related school health services, and purchase of nonreligious instructional supplies and equipment, including books.

S. 472. To authorize the appropriation of funds to assist the States and Territories in financing a minimum foundation education program of public elementary and secondary schools, and in reducing the inequalities of educational opportunities through public elementary and secondary schools, for the general welfare, and for other purposes.

The comments in this review are directed primarily to S. 472, introduced on January 31, 1947. After extensive hearings, the Senate Committee on Labor and Public Welfare, on July 3, reported favorably on the bill, with various modifications.[1]

The modified S. 472 would authorize the granting of $300,000,000 to the States for the fiscal year ending June 30, 1949, and a like amount for each fiscal year thereafter. Apportionment among the States would be based on a somewhat complex formula whereby, as explained in the Senate committee's report, the States would be required "to develop plans for guaranteeing a floor of $50 per pupil in average daily attendance under expenditures in all local school jurisdictions within the State."[2] The United States Office of Education, a supporter of the proposal, has pointed out with respect to the bill: "Aid would be given primarily to public schools, but any State which contributed part of its own revenues to nonpublic schools could allocate a proportionate amount of Federal funds to such schools." The United States Commissioner of Education would administer the program.

The adoption of S. 472 would embark the Federal Government upon a permanent program of subsidies to the States, involving large expenditures of Federal funds, for the purpose of aiding, if not directing, the States in the exercise of functions which heretofore have been conceded to be the constitutional responsibility of State and local governments. Although the Senate committee, in its report, repeated many of the well-known arguments in favor of S. 472, it took the precaution to state: "The question of whether or not the Federal Government should establish a policy of financial assistance to the States for public elementary and secondary education was not at issue before the committee." In short, the committee washed its hands of the policy question.

Proponents and opponents of the proposed legislation both agree that educational opportunity in the United States today is unequal; that it is desirable for every child to have, so far as may be possible within the framework of our constitutional system, an equal opportunity to obtain a basic elementary and secondary education in adequately equipped classrooms; that there is an urgent need for improving the educational opportunities of children, the equipment of schools, and the occupational conditions of teachers in many areas of this country.

They also agree (and it is particularly important to bear this in mind) that the Federal Government has no constitutional power to control or supervise elementary or secondary education in this country. Local responsibility for, and control of, education is part of the bedrock of our American form of government. Proponents of the legislation are extremely careful to reiterate the assurance that Federal aid under S. 472 would not infringe in any way upon the prerogatives of State and local governments in the administration of their educational systems, and some have stated that any thought of Federal supervision or control is merely baseless emotionalism. Indeed, the bill itself purports to prohibit any department, agency, officer, or employee of the Federal Government from exercising any direction, supervision, or control over any school or any State educational institution or agency with respect to which any funds under the legislation are made available.

Proponents of the bill usually argue that "the States are not able to meet the financial load, help is needed, and the Federal Government must come to the rescue, having a responsibility for preserving the general welfare, education being naturally a vital factor in the general welfare"—or words to that effect. They argue that educational opportunity in America must be equalized and that the only way to accomplish this end is by the granting of Federal aid in such a way that disparities among the various parts of the country will be wiped out.

The United States Commissioner of Education, testifying in favor of S. 472, cautioned against Federal control of education, while at the same time insisting that only Federal aid would wipe out the educational disparities. He admitted that there is a possibility that "a system of education centrally controlled might be prostituted to propagandistic purposes of a political party in control of the Government."

Those who oppose the bill have called attention, on the other hand, to certain factors which cannot be ignored. Federal aid in the field of education is a particularly dangerous device. There is just cause for anxiety lest the proposal, if adopted, undermine the responsibility of State and local governments. It is inevitable, no matter how pious may be the declaration of principle in the bill and however well-intentioned in the inception, that Federal aid on a permanent, recurring basis as proposed would lead to some form of Federal administration, supervision, or control in the field of elementary and secondary education. This is clear from S. 472 itself. While the bill purports to throw safeguards around the constitutional prerogatives of the State and local governments, it would impose definite and essential obligations on the States receiving aid under the legislation, with the United States Commissioner of Education quite clearly having broad administrative powers.[3]

Legislation of the kind envisaged by S. 472 could not, in the absence of centralized control, genuinely equalize educational opportunity and hence would not achieve its avowed object. It is conceded that such control is not desired.

No stronger arguments against the proposal in S. 472 have been pronounced than by Senator Taft, himself, together with Senators Walsh, Ball, and Wherry, in the minority report concerning S. 637, similar in many respects to the present proposal and considered in a previous session.[4] For example:

"We do not subscribe to the doctrine that because our public schools and our educational facilities are a vital element in our national welfare, they thereby become the proper concern and implied responsibility of the National Government.

"Our schools are one of the few remaining bulwarks of local self-government and community enterprise. They should so remain."

In that same minority report it is stated:

"The bill, therefore, does not do the very thing which it is supposed to do. Equalization, as a matter of fact, cannot be secured except by complete Federal control and direction. Everyone agrees that complete Federal control and direction are worse than the inequality which now exists. * * * Congress ought not to give away Federal funds to the States, with no Federal control over the spending of the funds. If on the other hand the Federal Government is to retain control over the expenditures and to dictate them, then it means Federal control of education * * * an alternative equally obnoxious. There is no middle ground."

To contend that Federal authorities would continue indefinitely to administer a general program of Federal grants-in-aid for equalizing educational opportunities and facilities without participating more and more in the supervision of educational systems is wholly unrealistic. The history of governments refutes any such contention.

In any event, as pointed out in the abovementioned minority report by Senator TAFT and others, "Federal subsidies to the States for matters which are clearly not within the jurisdiction of the Federal Government are certainly not justified on the ground that the States are unable to finance adequately the activities which are constitutionally assigned to them."

Another factor that must be clearly understood, though not as important as the fundamental responsibility of local government, is that Federal aid of the kind which S. 472 would provide is not needed. That is not to deny that there are some areas in the country where there is great need for improvement in the school systems. However, there is no real evidence that the States, with the exceptions of those few areas, are unable to finance adequately their own educational programs. This proposal for Federal aid has not been initiated by the States themselves; that is, their duly constituted legislative and executive authorities. Moreover, in comparison with the National Government's Treasury, the State treasuries are in good condition. In nearly every State, education is given a prior consideration in allocating the funds which are available.

It is true that local government in certain regions of the country have found it difficult or have been unable to meet entirely the financial requirements of a high-standard educational system, the difficulties having been accentuated by the strains of war. However, that does not prove the need for a Federal dole. On the contrary, there has been a notable increase of activity on the part of the States within the past 3 years to mend their educational fences. For example, during the past year the legislatures in some 40 States have authorized increases amounting to about $500,000,000 in State funds for schools. County, city, and town appropriations have been increased by about $250,000,000 for the 1947–48 biennium. In addition, several State legislatures have appro-

[1] S. Rept. No. 425, 80th Cong., 1st sess.

[2] Under S. 472 as originally proposed, 23 of the 48 States would not have been entitled to any aid. The raising of the minimum from $40 to $50 per child 5 to 17 years of age in average daily school attendance, with a modified formula, has the apparent effect of making all of the States eligible. According to the figures set forth in the report of the Senate committee (No. 425, 80th Cong., 1st sess.) showing the grants-in-aid which States would be eligible to receive upon compliance with the conditions and obligations set forth in S. 472, the allotment of Federal aid would range from a low of $135,000 in the case of Nevada to a high of $22,825,000 in the case of North Carolina. The States which would be eligible to receive the major share (each approximately $10,000,000 or more) would be North Carolina, Alabama, Texas, Georgia, Mississippi, Kentucky, Tennessee, South Carolina, Arkansas, New York, Louisiana, West Virginia, Pennsylvania, and Oklahoma, in that order.

[3] See particularly secs. 7 and 8 of S. 472.

[4] CONGRESSIONAL RECORD, October 14, 1943, p. 8392.

priated funds for commissions to study their State school needs. Some of the States have revised and strengthened their departments of education. In some instances the tax bases within the States have been broadened and governors have recommended study and revision of their over-all tax system to bring about, among other things, more adequate support of the schools. In a recent survey by the United States Department of Commerce it was shown that, on the basis of State budgets examined, there had been an average increase of over 28 percent in the budgeted expenditures by the States for schools.[5]

The States are profiting by past experience and are assuming their responsibility to an increasing degree. Certainly it has not been demonstrated that the States themselves have urged the Federal subsidization which S. 472 would provide. Even as to the comparatively few States, mainly in the South, which could receive the major part of the aid under S. 472, it cannot be shown that they are impotent to meet their educational problems when, during the past year alone, they have increased their State expenditures for education by well over $100,000,000. The solution is not in subsidizing the States but in making it possible for the States to help themselves.

The formula provided by S. 472 for the allocation of grants-in-aid gives no assurance whatever that equalization can be accomplished in those States which are reputed to have the greatest need. In some of those States, in fact, equalization is contrary to their existing constitutions or traditional practices. Some of them have educational systems which are not well adapted to equalization of educational opportunity. An obvious example is that of segregation, with consequent duplications in the system. Perhaps it is not for the rest of us to tell the States having such a system to change it. At least, it is difficult to perceive how equalization could really be accomplished in such areas without virtual centralized dictatorship in education. Federal funds alone cannot correct errors in certain of the State school systems.

The aid contemplated by S. 472 is not genuinely needed. Through an adequate program of cooperation by the Federal and State Governments in adjusting their tax systems upon an equitable basis, and through other means, the States would be far better able to fulfill their responsibilities.[6] Then the Congress would not be harassed with proposals for ever-increasing Federal subsidies, and one of the principal threats to the preservation of local self-government in America would be removed.

[5] State budgets submitted in 1947, U. S. Department of Commerce.

[6] As an example of the greater potential advantages to be gained through an equitable adjustment of Federal-State tax relations, without subsidization of the kind proposed in S. 472, it may be pointed out that, although Pennsylvania taxpayers would pay at least $30,000,000 to the Federal Government toward the administration of aid under S. 472, the return to Pennsylvania in the form of aid to elementary and secondary education would be only approximately one-third of that amount. On the other hand, the amount which Pennsylvania might obtain from its own tax sources if the 80 percent credit were allowed on the Federal additional estate tax, to say nothing of additional revenue which might accrue to Pennsylvania through a more equitable coordination of Federal and State taxation, would be expected to exceed three times the amount which Pennsylvania would be eligible to obtain under S. 472. Other States would stand to gain similarly, in varying degrees. In short, the States may gain more, in both tangible and intangible benefits, from a proper allocation of tax sources than from any allocation of grants-in-aid under S. 472.

It is entirely reasonable to point out that one of the best means by which the Congress could encourage the State and local government to finance their educational programs would be by reducing the nonessential Federal taxes for nonessential Federal expenditures.

It is a matter of great importance that the Congress consider what tax levies should be left to the States or should be divided with the States. The Congress has under consideration proposals relating to coordination of Federal and State taxation.

Meanwhile, there are several immediate objectives which could be accomplished. One of these is the proposal in H. R. 3653, introduced in the House by RICHARD M. SIMPSON, of Pennsylvania, during the first session of the Eightieth Congress, whereby the 80-percent credit now allowed against the Federal basic estate tax would be allowed also against the Federal additional estate tax. If such a proposal were adopted, the States would derive a considerable advantage, and one, moreover, to which they are eminently entitled. The field of inheritance and estate taxation is one which has always been recognized as of principal concern to the State governments. The increase in income to the States if the additional 80-percent credit were allowed would be considerable from their viewpoint. The slight effort upon Federal revenue from estate taxes would be more than offset by the increased ability of the State and local governments to finance their local needs.

The States, if given a chance, can finance those activities which are distinctly and constitutionally their responsibility. This can be accomplished without any semblance of undermining home rule in the field of education. "In any event," as stated by Governor Duff, "the people back home know better than anybody else what their problems are and how able and willing they are to pay to solve them."

Up to this point, there has been no comment regarding private and parochial schools. The constitutions and laws of nearly all of the States provide expressly against the use of public funds for any but public schools.

Federal legislation for educational grants-in-aid, particularly in the elementary and secondary fields, which would have the effect of bypassing State educational authorities for the purpose of giving Federal aid to private and parochial schools, could lead only to troublesome controversy. One hestitates, as a rule, to cite a dissenting opinion in support of a proposition; but truth is truth, wherever one may find it. Associate Justice Rutledge, in his dissenting opinion in the case before the United States Supreme Court involving transportation of parochial-school children in public-school busses in a New Jersey township,[7] made the following remark which is well worth our serious attention:

"Hence today, apart from efforts to inject religious training or exercises and sectarian issues into the public schools, the only serious surviving threat to maintaining that complete and permanent separation of religion and civil power which the first amendment commands is through use of the taxing power to support religion, religious establishments, or establishments having a religious foundation whatever their form or special religious function."

Any proposal that would open the door, however slightly, to centralized supervision of basic education, to say nothing of making Federal funds available as a favor to religious educational institutions, even on a modest scale, is a proposal calculated to inspire strong mental reservations, especially among those who are genuinely concerned with the general welfare of the American people. Potential advantages to be gained in some areas by a guaranty of $40 or $50 per child of school age are hardly a sufficient excuse for surrendering the heritage of unquestioned local control over elementary and secondary education.

Next to the right to worship as one sees fit—to have entire freedom of religion, free from any taint of political sponsorship, favor, subsidy, or coercion—there has been nothing closer to the hearts of the people of America than education and the determination to keep the educational system under vigilant local supervision, or under the watchful eye of "the people back home."

There seems to have been a tendency on the part of some proponents of S. 472, or of similar proposals, to refer to activities of the Federal Government in the field of education—especially aid for vocational education and rehabilitation, agricultural extension work, Indian schools, military and naval schools, school aid under land-grant legislation, aid to hospital training, veteran rehabilitation, etc.—and to compare these with the proposed aid under S. 472. There is no real comparison. Attempts to compare the proposal in S. 472 for so-called equalization in elementary and secondary education with such other types of aid are merely begging the issue.

However, we can derive a useful lesson from the experience with Federal aid under vocational education acts. They may offer a hint of ultimate experience under legislation such as that proposed in S. 472. We may cite, in this connection, the comprehensive article entitled "The Administration of Federal Grants-in-Aid to Education," written by the commissioner of the Connecticut Department of Education, a supporter of the Federal aid-to-education proposal.[8] Those who are interested may read the article. We shall quote only two excerpts:

"Of course, it is true that in any one of these items the Federal Government is in a position to deny the States funds if the concept of vocational education does not agree with that of the Federal Government. It is probable that each must embrace the concept of vocational education concurred in by representatives of the Office of Education. * * *

"Again, it may be said that frequently the administrative rules and regulations devised by a bureau may extend farther than the congressional act intended. In other words, usually the congressional act allows considerably more leeway in the administration of federally allocated funds than the rules and regulations otherwise permit. Naturally, the Federal Government is concerned over the proper use of the funds allocated and, unfortunately, in many of our localities money emanating from an outside source is expended sometimes less wisely than the funds raised locally."

So we see that cooperation with the Federal Government in the administration of Federal grants-in-aid usually develops, and logically so, into a situation where the State's concept of education must agree with that of the Federal authorities.

CONCLUSION

The administration in any degree of elementary and secondary education in this country is not within the competence of the Federal Government and is not a proper subject for a permanent program of grants-in-aid on the basis envisaged in S. 472. Even while recognizing the Nation-wide concern in the improvement of educational opportunity in America, the potential byproduct of Federal intervention through a program such as that proposed in S. 472 are so much a threat to local self-government and home rule that not even the so-called national interest or general welfare is adequate justification for the adoption of such a proposal.

[7] *Everson* v. *Board of Education* (330 U. S. 1) (rehearing denied, 330 U. S. 855).

[8] State Government, August 1944, pp. 380 et seq.

There are other and better ways, in the long run, to accomplish the ends desired, one of the most evident being the equitable division of tax sources in order that State and local governments may be better able to help themselves.

Mr. SMITH obtained the floor.

Mr. CHAVEZ. Mr. President, will the Senator from New Jersey yield to me so that I may ask the Senator from Pennsylvania a question?

Mr. SMITH. I am glad to yield.

Mr. CHAVEZ. Can the Senator from Pennsylvania distinguish between the philosophy of Federal aid to highways and Federal aid to education? What is the difference?

Mr. MARTIN. Federal highway aid is pointed out as the best example of a proper arrangement between the Federal level and the State level; but regardless of the fact that it has always been stated that the States have full control, yet not a single road can be built without the approval of the road-engineering department of the Federal Government. In my own State, in the case of an access military road, the State of Pennsylvania paid a part of the expense. The Federal requirements, so far as grades and curves were concerned, made it cost the State of Pennsylvania almost as much as if we had built the road ourselves.

Mr. CHAVEZ. Will the Senator permit me to interrupt him once more, if the Senator from New Jersey will permit.

Mr. MARTIN. Certainly.

Mr. CHAVEZ. It may be even political treason, but please believe me when I say that I have the greatest faith in the integrity of the Senator from Ohio [Mr. TAFT], who is one of the sponsors of this particular bill. I believe that in his judgment he feels exactly the way the Senator from Pennsylvania does about local State government control, and I believe the same way. So when the Senator from Ohio and those who worked with him on the bill wrote the following language:

Nothing contained in this act shall be construed—

The bill does not use the word "may," but it says "nothing contained in this act shall be construed"—

to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or to prescribe any requirements with respect to any school, or any State educational institution or agency, with respect to which any funds have been or may be made available or expended pursuant to this act—

I trust the Senator from Ohio, because, as I have said, I believe in his integrity and sincerity of purpose and his intellectual honesty.

So I do not think the Federal Government will have any more to do with these funds, except to say that they shall be expended for the purposes for which they are appropriated.

Mr. MARTIN. Mr. President, I, too, have very great faith in the distinguished Senator from Ohio, and I sincerely hope that if this measure is enacted into law it will be interpreted in such a way that it will not interfere with local control.

But I am giving the example of roads, and I could give the example of health and welfare and airports and many other matters with respect to which, when the Federal Government steps in, it does interfere with local control, because it makes certain restrictions before the funds it appropriates can be applied.

Mr. TAFT. Mr. President, if the Senator from New Jersey will yield to me, I should like to point out that the bills to which the Senator from Pennsylvania has referred were written, in my opinion, by persons who wanted Federal control, and they provided a wide discretion to Federal officers to give money or refuse to give money. They were written by persons who believed in Federal control.

This is the first State-aid bill—of recent years, at least—which deliberately prohibits Federal interference. The bill itself is completely affected.

The only danger, which I am quite willing to admit, is that in future years someone will try to use these appropriations as a means of imposing Federal control. That is a possibility.

My feeling has been that it is easier for me, at least, to stand on the ground that we will resist such control, than it is for me to stand on the ground that constitutionally the Federal Government has nothing to do with the welfare of a great many children who are not getting an education, and so absolutely refuse any Federal aid for that purpose.

I admit the danger; but it seems to me that if we establish, as we should establish, the principle that in State-aid matters the Federal Government is not going to control, we can stand on that line. That is the line I hope to stand on so long as I remain in the Senate.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. SMITH. I yield to the Senator from Vermont, if he wishes to comment on this point.

Mr. AIKEN. Let me point out the very distinct difference between the Federal Airport Act, the Federal Highway Act, and the proposed Federal Education Act. In the case of the Federal Highway Act and the Federal Airport Act and other acts of that nature, the Federal authority is expressly provided for and permitted. In the pending bill, Federal jurisdiction is expressly prohibited. Therein lies a very great difference.

The Senator from Ohio has pointed out a possible danger at some time in the future. I should like to say that that danger will exist anyway; and there is no more danger that a future Congress will permit Federal control to be exercised, through amendment, or interpretation of this proposed act, than there is that some future Congress will enact legislation giving Federal control over education. The danger is there in any case, and it is no greater if we enact this proposed legislation than it is if we do not enact it.

Mr. SMITH. Mr. President, as one of the sponsors of this bill, I desire to make a brief statement in support of it. As introductory to my statement, I wish to say that every point which has been raised by the distinguished Senator from Pennsylvania [Mr. MARTIN] has been very much on my mind all through the hearings and from the time when we started this proposed legislation in the committee.

I am greatly troubled by the financial aspects; and it is conceivable that in a time of stress, such as the one we are in now, we may have to postpone the immediate application of the principle of this bill. That is a matter for the Appropriations Committee to consider this year in connection with the other expenses which confront the Federal Treasury because of the war situation and because of the imminence of the relief and rehabilitation program abroad.

Mr. DONNELL. Mr. President, will the Senator yield, to permit me to make an inquiry?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from New Jersey yield to the Senator from Missouri?

Mr. SMITH. I yield.

Mr. DONNELL. I call attention to page 5 of the report of the Committee on Labor and Public Welfare, the second full paragraph in larger type. I ask the Senator from New Jersey whether he agrees with the thought of this sentence which appears in that paragraph:

The question of whether or not the Federal Government should establish a policy of financial assistance to the States for public elementary and secondary education was not at issue before the committee.

Does the Senator agree with that statement in the majority report?

Mr. SMITH. I cannot agree with it just as it appears there, because I felt that we did very much consider that aspect. While that was not a primary issue before the committee, certainly, so far as I am concerned, the question as to the extent, if any, to which the Federal Government should participate in a project of this kind has always been an issue with me.

So from my personal standpoint, that particular sentence would not apply to my own thinking. To me, the question whether we should extend Federal aid, and if so, how, was an issue all the way through. That is why I wish to expound a little on that point, preliminary to the more carefully prepared remarks I am about to make on this bill.

Mr. DONNELL. Mr. President, does the Senator from New Jersey agree with me that the Committee on Labor and Public Welfare at no time excluded from its consideration the question of whether or not the Federal Government should establish a policy of financial assistance to the States for public elementary and secondary education? Does the Senator agree with me that at no time did we exclude that question from consideration in the committee?

Mr. SMITH. Yes; I agree as to that.

Mr. DONNELL. In other words, the Senator from New Jersey does not agree with that sentence in the report of the committee; does he?

Mr. SMITH. From a personal viewpoint, I do not, because that question has always been in my mind in connection with this proposed legislation. I think the Senator from Missouri feels the same way.

Mr. DONNELL. I certainly do.

Mr. AIKEN. Mr. President, will the Senator yield to me at this point?

Mr. SMITH. I yield, although I desire to proceed with my remarks.

Mr. AIKEN. Is it not a fact that the witnesses who appeared in opposition to the bill in the course of the hearings did not appear in opposition to Federal financial assistance to the States for the public schools at all, but practically all the argument, indeed, I believe all of it, was directed to other aspects of the proposed legislation which we had before us in the committee, with particular reference to the possible use by some States, at least, of Federal funds for assistance to pupils attending private schools.

The witnesses, as I recall—and I sat in the hearings for 2 weeks—practically raised no objection to assistance for public schools.

So in my opinion that sentence of the majority report is correct.

Mr. SMITH. Mr. President, there may be a difference of opinion in respect to that matter. Both the Senator from Missouri and I feel that we had in mind the issue of the extent, if any, to which Federal assistance should be given to the school systems.

Mr. AIKEN. Let me qualify my statement, if I may. There may have been one or two witnesses who objected to any assistance to any schools whatsoever. I do not recall that there were, but that was not the controversial matter which came before the committee. Practically every witness favored assistance to public schools, but there was a difference of opinion as to whether any assistance should be extended to pupils of private or semiprivate schools.

Mr. SMITH. I should like to make it clear at this point in the RECORD that so far as my own position is concerned, all the way through I have had great difficulty with the conception of any Federal aid at all to the school system of America. I am supporting this bill for reasons which I shall state, but that issue was always in my own mind, and I feel it ought to be made clear.

Mr. DONNELL. Mr. President, will the Senator permit me to make, not an extended statement, but a statement which I feel in justice to the Senator from Oklahoma, should be made at this point, very briefly? Will the Senator yield for that purpose?

Mr. SMITH. I am glad to yield.

Mr. DONNELL. Mr. President, I may say that the Senator from Oklahoma [Mr. MOORE] called to my attention only a few moments ago the contents of the sentence reading as follows:

> The question of whether or not the Federal Government should establish a policy of financial assistance to the States for public elementary and secondary education was not at issue before the committee.

I think it should be noted in the RECORD that the Senator from Oklahoma, through his watchfulness and discernment, observed that sentence and called it to the attention of at least one Member of the Senate.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. SMITH. I yield to the Senator from Ohio.

Mr. TAFT. I think that is an incorrect statement.

Mr. DONNELL. Mr. President, if the Senator will yield, does he mean that the statement I made is incorrect?

Mr. TAFT. No; I mean the statement in the report that has been read. I think probably what was meant was that the question whether it was constitutional to establish financial assistance was not at issue. But certainly the policy of financial assistance was at issue before the committee.

Mr. DONNELL. Mr. President, with the consent of the Senator from New Jersey, I should like to say that, so far as one member of the committee was concerned, every question was open from the beginning of the hearings until the end of the hearings and until the final argument. Each member of the committee, of course, had his own particular points in mind, but I know of nothing at any time that was done by the committee to foreclose any member from bringing up any point, whether material or immaterial, in the consideration of the bill. I believe the Senator from New Jersey, the Senator from Ohio and the Senator from Vermont will corroborate that statement.

Mr. SMITH. I certainly will, Mr. President. I agree with what the Senator from Missouri says, because in my own mind it has been difficult for me to come to a decision on this broad matter of policy. I shall try presently to state my reason for coming to the decision which I have reached.

Mr. AIKEN. Mr. President, will the Senator from New Jersey yield for one moment more?

Mr. SMITH. I yield.

Mr. AIKEN. Mr. President, I wish to insist that the statement is correct. I refer to the following statement:

> The question of whether or not the Federal Government should establish a policy of financial assistance to the States for public elementary and secondary education was not at issue before the committee.

I think that statement is correct. It was certain aspects of the bill which were at issue before the committee. The question of the policy of public assistance to public school institutions was established in this country more than a hundred years ago, and it has been recognized since that time. It was not the policy of Federal assistance to public schools about which the debate in the committee centered; it was the question of whether we should permit the expenditure of Federal funds to any extent to aid the pupils in attendance on private and semi-private schools. I do not recall anyone having appeared before the committee to object to Federal assistance to public education.

Mr. DONNELL. Mr. President, if I may ask a question of the Senator from Vermont, by permission of the Senator from New Jersey, I should like to inquire whether at any time the committee ever adopted any resolution or took any action foreclosing any member of the committee from considering any question with respect to the proposed legislation.

Mr. AIKEN. Absolutely not. Any member of the committee was free to question any portion of the bill or the entire bill itself at any time. As I recall, the Senator from Missouri questioned section 6 of the bill and centered his objection around that section. I do not recall that the Senator from Missouri, although he will correct me if I am wrong, raised objection to the policy of Federal aid to public educational institutions.

Mr. DONNELL. Mr. President, I may say in that connection, by permission of the Senator from New Jersey, that the point on which I refused to join the majority in advocating Senate bill 472 was—

Mr. AIKEN. Section 6.

Mr. DONNELL. It was the fact that section 6, as I see it, permits the use of Federal funds for sectarian and private schools. I may say likewise that as I proceeded through the hearings I think the questioning of the witnesses will show that I personally, at any rate, was taking a rather active part in considering not only that question but numerous other questions from time to time, although I am free to say that when we arrived at the final point, in my present judgment I should have voted for the bill had section 6 covered what I considered was the fatal point of aiding sectarian and private schools. I do not by that statement mean to foreclose myself now from voting against the bill on any point which I may think would make it obligatory or needful or proper that I should vote against it.

Mr. AIKEN. Mr. President, I wanted to say that the Senator from Missouri took a very active and helpful part in the discussions and hearings which took place for 2 weeks before the subcommittee on education of the Committee on Labor and Public Welfare. But I should think the explanation which he has just given, the reasons for his opposition to the bill, based upon section 6, indicates that the sentence as written in the report is correct and that the question was not raised concerning the policy of financial assistance to the States for public elementary and secondary education. That was not the issue. Practically all the controversy centered around section 6. There were other parts of the bill, of course, as to which there were differences of opinion, but I do not recall that the question of Federal assistance to public schools entered into the discussion to any extent.

Mr. DONNELL. Mr. President, the Senator may quite agree as to what the discussions centered upon, and to the point that was primarily at issue, but the point I am making is that just as in the case of a lawsuit, when a petition is filed and a general denial is filed to the petition, every question, unless some rule applies which provides otherwise, generally speaking, is open.

As I see it, before the committee, when the bill was presented, there was not the slightest action by the committee which would remove from consideration any question whatever directly or indirectly; so that every question was before the committee at all times and never has been removed from the issues in the case, and is not now removed from the issues in the case in the present debate on the floor of the Senate.

Mr. AIKEN. The Senator is completely correct in his statement, but as I

said, the discussion centered around certain aspects of the bill itself.

Mr. DONNELL. I think that is correct.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. SMITH. I am glad to yield to the Senator from Oklahoma.

Mr. MOORE. I raised the question the Senator from Missouri brought up only with respect to the statement contained in the report, because I thought that was the fundamental question, of whether we should engage upon a policy of Federal aid to public schools. The report further states, in conformity with the view the Senator from Vermont seems to entertain, that we have always been engaged in furnishing aid to the schools. The report says:

> From the beginning, the Federal Government has encouraged education through various types of grants-in-aid.

I only want to inquire now what that consists of.

Mr. AIKEN. It refers to State agricultural colleges, and to what else?

Mr. MOORE. I do not know of anything except——

Mr. SMITH. I assume the Senator has in mind the land-grant policy and aid of that kind.

Mr. MOORE. The State of Oklahoma, for instance, grants a certain area of land for school purposes in lieu of taxes which could not be levied upon the restricted lands in the Indian territory. They are public lands. Further than that I do not know.

Mr. AIKEN. Public money has been given for the education of boys and girls for a long time.

Mr. MOORE. For a hundred years?

Mr. AIKEN. It goes back to the land-grant colleges. I do not know whether it has been for a hundred years. I used that time very roughly.

Mr. MOORE. From the beginning the Federal Government has aided schools by various aids and grants. I wanted to know what they were.

Mr. AIKEN. The Senator from Vermont is not quite sure as to the beginning of that policy.

Mr. MOORE. The Senator from Vermont does agree that the Federal Government has adopted a policy of aid to public schools, does he not?

Mr. AIKEN. Yes; to public-school institutions.

Mr. MOORE. I do not know when that policy was adopted.

Mr. AIKEN. That policy did not enter into the discussion before the committee to any extent; or, if it did, it was to a negligible extent.

Mr. MOORE. I assume, from the way the report reads, that the question of policy had already been settled, and it was only the means of granting the aid that was discussed.

Mr. AIKEN. I have been informed that the policy of Federal aid to public schools goes back to the eighteenth century. I hope the Senator from Oklahoma will not ask me to explain at this time in detail what that aid was.

Mr. MOORE. I should like to know.

Mr. DONNELL. Mr. President, will the Senator from New Jersey yield?

Mr. SMITH. I yield to the Senator from Missouri.

Mr. DONNELL. I think, if Senators desire to know the history surrounding the Ohio Co. they will find in the records of the Committee on Labor and Public Welfare a very extensive 50- or 52-page small-type report on the subject, which will be very enlightening, though probably somewhat dull, to read.

Mr. AIKEN. Mr. President, I suggest that the Senator from Oklahoma obtain that report, read it, and digest it.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. WHERRY. Mr. President, while it is our hope that amendments will be brought up today and voted upon, there are several Senators who would like to speak on the bill. May I humbly suggest to Senators who have amendments that they get them ready and present them to the Senate this afternoon so that we can at least gain ground by that type of procedure? When the amendments are out of the way, Senators who desire to speak on the bill can do so. Of course, they can speak any time they so desire. I suggest to all Members of the Senate, with that idea in mind, that there possibly will be this afternoon some votes on amendments to the bill.

Mr. SMITH. Mr. President, as I stated previously, after the Senator from Pennsylvania [Mr. MARTIN] had completed his remarks, I was in entire sympathy with the points he made. The first of those points has to do with the danger of increasing Federal expenditures. As we say, if the camel gets his nose under the tent, he finally pushes in his whole body. That is a danger which we have to watch carefully. It was very difficult for me to approve this type of legislation, but I had to contrast that danger with what I felt was a more paramount issue, namely, a greater floor of education for every child in America. I realized that there was a certain area in this country which had not been able to give such education to every child, so I came to the conclusion that I should support this proposed legislation as an evidence of the insistence of the Federal Government on a minimum of education for every child born in the United States or educated in the United States.

On the second point, Federal control, I should like to ask unanimous consent to insert in the RECORD at this point, to emphasize another reason for supporting the bill, the full text of section 2 of the bill. The Senator from New Mexico [Mr. CHAVEZ] read a portion of the section, and I should like to put the full text in, because the committee has taken great care to see that the whole subject of education is a matter of local control and direction by the States and that the Federal Government has no part in the expenditure of the funds except the one condition that the level of education shall be raised to at least $50 per child—which is low enough, God knows—for every child in the country.

There being no objection, the text of section 2 of the bill was ordered to be printed in the RECORD, as follows:

> SEC. 2. Nothing contained in this act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or to prescribe any requirements with respect to any school, or any State educational institution or agency, with respect to which any funds have been or may be made available or expended pursuant to this act, nor shall any term or condition of any agreement or any other action taken under this act, whether by agreement or otherwise, relating to any contribution made under this act to or on behalf of any school, or any State educational institution or agency, or any limitation or provision in any appropriation made pursuant to this act, seek to control in any manner, or prescribe requirements with respect to, or authorize any department, agency, officer, or employee of the United States to direct, supervise, or control in any manner, or prescribe any requirements with respect to, the administration, the personnel, the curriculum, the instruction, the methods of instruction, or the materials of instruction, nor shall any provision of this act be interpreted or construed to imply or require any change in any State constitution prerequisite to any State sharing the benefits of this act.

Mr. SMITH. With that preliminary statement, I should like to present to the Senate my reasons for supporting the bill and what I feel is the basic issue.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. SMITH. I yield to the Senator from Louisiana.

Mr. OVERTON. The Senator has just inserted in the RECORD section 2 of the bill, has he not?

Mr. SMITH. Yes; to emphasize my insistence on control by the States.

Mr. OVERTON. That is the section is it not, which denies to the Federal Government any interference with the administration of the school systems in the various States?

Mr. SMITH. That is correct.

Mr. OVERTON. If this bill should pass and $300,000,000 should be distributed among the various States, and at the next session or at a later session of the Congress the law should be amended so as to withhold any aid from any particular State which should discriminate in the administration of its funds on account of race, color, or nationality, we would be confronted with the situation that $300,000,000 would be raised by taxes on the people throughout the United States. Some of the States might say, "With that provision in the law we do not wish any Federal aid." The Senator will agree with me that that is not an unreasonable supposition. The people of those States would be taxed for Federal aid, and would derive no benefit.

Of course, the answer can be made that they can derive benefit by subscribing to the new exaction. But, by subscribing to the new terms, they would violate their own conceived and fixed notions with respect to mixed schools, and they would violate the traditions of the people of those States, which they would be unwilling to do. Then they

would be left, would they not, in rather an unhappy situation? They would be taxed without any benefits. That is the danger of the whole system. The bill itself is all right, and I would gladly support it if there were a constitutional provision which would make section 2 the law of the land which could not be changed without another constitutional amendment. But as it now stands, it lies within the power of any Congress to change it at any time.

I think the Senator will agree with me that, considering the influence which certain minority groups have in this country today, an influence which extends into the Congress of the United States, it is not at all improbable that at the next session of the National Legislature there may be an amendment such as I have described proposed and adopted by a very substantial majority.

Mr. SMITH. If I may interrupt the Senator there, as the Senator from Ohio [Mr. TAFT] said, that is the reasoning back of any legislation of any kind. Of course, without any legislation opportunity is always presented to the next Congress to pass legislation to do the very thing to which the Senator objects.

Mr. OVERTON. That is a grave danger which absolutely confronts States which will not subscribe to such a rule of administration of their schools. They are caught in a trap and cannot escape. Congress has passed a law taxing them to make them pay their portion of the $300,000,000 per annum, and yet they cannot receive any benefit from the proceeds of the taxes thus derived.

Mr. SMITH. That might be a reason in the Senator's mind for opposing the bill.

Mr. OVERTON. It is a reason.

Mr. SMITH. I may say to the Senator that I supported a principle of the bill that what Congress is proposing to do is to aid those areas which cannot afford to give educational opportunities to children at least meeting the floor provided by the bill. I knew that when I supported that theory of the bill my State would not profit one cent. I took the matter up with the educational authorities of New Jersey, and they indicated that they were perfectly willing that I should support a bill under which New Jersey citizens would pay, even though the State would not receive a cent of benefit. I think that is a sound approach, an endeavor to help in the areas where the poorest children cannot get the equality of opportunity to which they are entitled. I shall support a provision like that until I am instructed by my constituents to do otherwise. They have told me that they believe in that principle, if we can raise the standard of education in other sections of the country, even though our own State at the moment does not need assistance along that line. I mention that to show the Senator that it is not necessary for every State to be benefited to justify the State's representatives in supporting the proposal.

Mr. OVERTON. But the idea was to give assistance to those States which were less able financially than the average State to supply proper instruction to the children of the State. If such an amendment as I have indicated should be adopted, the poor States would be made poorer, because they would have to continue to pay from insufficient revenues to keep the program going, when they could not accept the conditions which were newly attached to their taking advantage of it.

Mr. SMITH. As I told the Senator previously, I am opposed to the Federal Government attaching conditions, except that the Federal funds shall be used without discrimination. That is the only condition I think would be justified, and that is a perfectly proper condition.

Mr. OVERTON. I understand the Senator's position, and I compliment him on it. The bill would be a magnificent measure if we could be assured that that would be the position of a majority of the Congress for years to come. Unfortunately, however, I look with apprehension to the future, because pressure will be brought to bear in an effort to provide that whites and Negroes shall be educated together in the schools. Certain States—and they are the poorer States unfortunately—are not going to submit to that. They are going to forego the aid, and they will forego the benefits of a program for the maintenance of which in the remaining States they are being heavily taxed. That is in brief my objection; and I cannot support the bill.

Mr. SMITH. The Senator would not say, would he, that a provision like that is contained in the pending bill?

Mr. OVERTON. No; the bill itself would be magnificent, if we could be assured that it would not be amended.

Mr. SMITH. Mr. President, I am supporting the bill as it is, because I think it is sound, and I think it meets the objection the Senator has raised.

UNIVERSAL EDUCATION IS NECESSARY TO SOUND DEMOCRACY

The great need for public education as an instrument of national and international policy today cannot be exaggerated; for first of all the integrity—perhaps the very existence—of our democratic government depends on the enlightened participation of its citizens. In turn, the friendly and freedom-loving nations of the world are looking to us for some promise of escape from the grim oppression which has overtaken some of their less fortunate neighbors.

Never during a time of peace has our democratic society been faced with graver decisions. It has now become obvious that communism is a menacing threat to our survival. The years which lie in the immediate future will determine how we maintain our place in the world as a leading independent national state. If we do so with any credit, the very first requisite will be to demonstrate conclusively to the world that we are determined to resist every possible threat to our freedom and security, and that, God being our helper, we have the strength to do it, the kind of strength which can derive from only one source—a healthy, vigorous, growing democracy, full of all the power and vitality which it inherits from our magnificent American tradition, and the giants of wisdom who gave it shape and substance.

The essential quality of this tradition, and that which breathes into it the very life and energy by which this Government of, by, and for the people persists and grows great, is the active informed participation of the people themselves. Shall we not, then, make sure that every potential citizen has within his reach those opportunities which will fit him for such participation? That, in a word, is the intent and purpose of the pending bill.

The tradition of which I speak is not matched by that of any other country in the world, and its unique character bespeaks a special role for public education in the growth of our national life.

To make a simple analogy, our democracy may be likened to a three-sided pyramid. It is founded on the broadest principles of the rights of States and peoples, pointed up by a Federal Government at the top which caps but does not control their several functions. The whole is encompassed with three sides, which may be thought of as corresponding to our political institutions, our economic system, and the social ideals which are peculiar to our people.

This democracy of ours is thus a solid structure. It is essentially simple in design and compact in form. It is massive and it is built for all time.

But it will be observed that this noble pile requires an immensely broad and solid foundation to achieve such ideal permanence. Such a solid base we have in the voice and spirit of the people, our citizens; and it is with the quality, character, and strength of this foundation, the people, that the enactment of the pending bill is concerned. Can there be any doubt of its necessity?

If there were any such doubt, only consider the intimate relationship which public education bears to the democratic structure as a whole.

EQUALITY OF OPPORTUNITY IS FUNDAMENTAL

The most sacred right of the people is equality of opportunity, which may be regarded as a property belonging to the fixed and intimate relationship of our three components of democracy—political institutions, social ideals, and an economic system of free enterprise. For what would be the meaning of opportunity in a society without competition and free enterprise to furnish incentive; or in a government where the rights of free citizens were not protected by political democracy? Equality of opportunity is absolutely inherent in the pattern of our whole life, and it is the prime mover behind the rise, the growth, and the expansion of our Nation. And the life spirit of equality of opportunity has been from the beginning, and is now, the system of public schools—the basis of learning, available to all, by which they may realize these opportunities.

Parallel with equality of opportunity are the rights and responsibilities of the individual. Public education for a strong democracy is therefore twofold: training for the individual so that he may make the proper personal adjustment in his society, and training for sound citizenship, which fits the individual for honest and intelligent participation in Government and public affairs.

This dual nature of education in our system envisions at once the opportunities which democracy provides, and the responsibilities which it entails.

Thus, at the basis of our whole democratic structure lies public education. It is inherent in our system and has been fundamental in the evolution of our free society built on mutual respect of all groups one for another, with a minimum of class distinction. It has served us well in the past and it is equally essential to the future growth of democracy and the well-being of our Nation.

THE SHORTCOMINGS OF PUBLIC EDUCATION TODAY

When we consider what a vital role education plays in our democracy, and the special significance it takes on in the highly volatile world of today, and then consider the appalling state to which public education has declined, we are frankly alarmed. Throughout the Nation, moneys allotted for educational facilities and for teaching talent are critically low. Rising costs of living have made the plight even more desperate. World War II has dislocated a tremendous number of well-qualified teachers, who simply cannot go back into their own profession because of inadequate salaries. At the same time, a great influx of students under the GI bill of rights has put an impossible strain on the teaching profession as a whole. Primary and secondary schools have felt the impact of all these factors, and without some immediate remedy the outlook is dark indeed.

For numerous reasons, the States individually are not able to provide a minimum education on the desired basis of equalization. There are wide variations, which result in unhealthy discrimination. Many States have a much larger population of children per capita than others. Mr. President, I am now summing up, as it were, the testimony which was given to the committee in connection with this very important subject. Wartime industrial mobilization has dislocated vast numbers of people, who remain concentrated in centers far from their origin. The more wealthy States are meeting a comparatively high standard, on the average, with a relatively small percentage of their income. Still, there are districts in every State where the educational facilities leave much to be desired.

I may say in passing that in my own State of New Jersey we have a very high standard of education, but there are many areas in our State which need equalization of facilities, and that is one of the problems we are facing today. On the other hand, it is a paradox that the less wealthy States are spending a much higher percentage of their income for education, and have the poorest schools in the country. They are making the greatest effort of all, but in spite of that, they are unable to provide a decent minimum of education. Nothing but Federal aid—and I have become convinced that this is a fact—furnished on a sliding scale such as that provided in the pending bill, will establish a solid floor for such a minimum.

To underline this conclusion, we have only to recall that the variations in dollars spent on each student in different school systems has the astonishing range of 60 to 1; great variation occurs not only from State to State, but from district to district, within States. The reasons for this inequity are to be found largely in local taxation. All States have limited tax resources, compared to those of the Federal Government. It is imperative that Federal aid be provided to insure a decent minimum, where that minimum cannot be maintained otherwise.

I may say in passing that the suggestion made by the distinguished Senator from Pennsylvania [Mr. MARTIN] that less money should be drained from the States into the Federal Treasury, and thus leave more money in the States to take care of their needs, would have my hearty accord. I would be in entire sympathy with such a policy. At the present time the Federal Government has the largest call on the greatest sources of taxation, and therefore it seems to me that the States must receive Federal aid in order to maintain a decent level of education until we find a more effective solution. We cannot wait for the adjustment of our tax picture to educate our children. The children must be considered now.

Another matter of grave concern to our Government is that, in this modern age with a highly mobile populace, ignorance and illiteracy are very contagious. They spread rapidly from the area of their origin to infect the whole Nation, and nothing but a general curative can remedy this ailment. Every State is dependent on every other State for protection against the infection of ignorance, as surely as they are for the efficiency of interstate commerce. We are bound together intellectually as well as economically—spiritually as well as materially.

There is superabundant evidence and testimony, in short, to show that the necessity for Federal aid is a foregone conclusion. It is now only a matter of how to furnish such aid in a way which is incompatible with the ideal relationship between the State and Federal Governments in our Republic.

EDUCATION FOR DEMOCRACY A FEDERAL RESPONSIBILITY

If, as we have seen, universal education is the very basis of democracy; and if, as we have also seen, our own country is conspicuously inadequate in that respect, then it is obvious that the Federal Government is responsible for bringing the general level of education up to the average national level, at the very least. Our youth are not only citizens of States, they are citizens of America. If some States are unable to furnish every one of its children an education which is deemed to be an adequate minimum based on national standards, then the Federal Government must grant sufficient aid to raise those States to the national level. In the bill we are speaking, as I said before, of a $50 minimum for each child. Not to do so is to belie our allegiance to the democratic principles of government. Equality of opportunity must be guaranteed; our national defense must be maintained; the social ills attendant upon vast shifts of people from impoverished areas must be guarded against. These are all issues of national significance, and the Federal Government is the only agency capable of solving them.

A very specific instance of Federal responsibility in this matter comes to mind in connection with minority groups. For example, we have a large Negro population scattered throughout all the States. Now, when the Federal Government bestowed citizenship on the Negro, it accepted a corresponding responsibility. Not the least of these is education for democracy; and the present bill has provided for carrying out this responsibility to the Negro as to all minority groups.

AUTONOMY OF STATES GUARANTEED

Granted that the Federal Government must provide aid to the States for primary and secondary education, the question arises as to what part the Government should have in the administration of such money, and what specifically can be done with it. We have already discussed this point before my main address began, but I want to stress it again.

In my opinion, the answer to that should be left for the States to decide, so long as it is spent for education. This is in strict accordance with the unassailable principle upon which the bill is founded: the autonomy of State and local control. Adherence to this principle not only recognizes the traditional sanctity of home rule but takes into account the fact that the whole character of education and its administration differs widely from State to State and from region to region. The bill contains a positive prohibition against the impairment of State's rights, and of local or State control over public elementary and secondary education. That is in section 2, which previously I asked to have inserted in the RECORD as a part of my remarks. At the same time, its provisions are so carefully wrought that all the variations in systems—in administration, in methodology, and the relation of private to public schools—are carefully respected.

It is proposed that funds be turned over to the State on a fair and objective formula, designed to supplement State revenues as needed; and the expenditure of this money is left entirely to the legal requirements and established school administration of the State. The only restriction on the method of distribution is, briefly, that the State must establish, in each district, a minimum floor of $50 per annum for each child in attendance. That is the great, over-all objective of the bill—a minimum floor. There is no further provision in the bill determining how the money is to be spent. It is not within the discretion of any Federal agency or official to pay or withhold money on a discretionary basis. The only responsibility of the Federal Government is to see that the money is not spent in violation of the law. This is guaranteed by means of an audit, by which the State must certify that each child is being provided the $50 minimum.

There is nothing in the bill by which the Federal Government could possibly exert any control or influence over curricula, personnel, or methods. All we seek to do is to help the States operate their own school system.

I emphasize this point of States' rights, and the undesirability of Federal control in this program, because this principle is the very core of the whole subject of Federal aid to education, and must be maintained against any encroachments whatsoever. That is the danger in any legislation of this kind, and I cannot overemphasize now, as we are discussing the bill, the importance of that principle.

I do not say that the bill is perfect. No doubt, certain abuses will arise. That remains to be seen and is to be expected in any undertaking such as this. But we are on sound ground when extending aid for education, without control, rather than not to give it at all.

To sum up: The need for Federal aid to education is no longer in doubt. The prevailing inequality of opportunity must be corrected. It is a threat to our economy, our national security, and to our position as a world leader. This condition cannot be corrected by the States independently, because of economic factors beyond their control. Danger to the national welfare is heightened by the migratory tendencies of our people. It is therefore evident that if the Federal Government is to carry out its responsibilities to the States and to the people it is imperative to enact legislation for Federal aid to education now.

Education must not be left at haphazards. As thing now stand, there is a better-than-average chance that many children born in America will be underprivileged in their education, if they receive any schooling at all. We must wipe out these educational slum areas throughout our country. Education is everybody's business. We cannot gamble on the future of our Nation by leaving our children to chance. With a decent minimum education they will build a sound America. Without it, they will not only fail in their own responsibilities as citizens; they will be high-potential recruits for subversive agitators who will foster in them the belief that the world has cheated them out of their birthright, and that the only remedy is violence and anarchy.

Certainly the money involved in this program could not be better invested. What happens to America depends on the intelligence of its people. In the immediate years ahead we will be faced with grim problems, domestic and foreign, of such great moment that we shall survive or perish on their outcome. It is inconceivable that these problems should be inherited by children whom we have left to chance. If we, of the present generation, about to turn over control to future generations, have respect for ourselves, or a sense of responsibility for our children, we must certainly give them the opportunity to learn those things which they must know if they are to escape calamity, and to build soundly for the future of free men and women.

Mr. COOPER. Mr. President, I speak in support of the pending measure, entitled "The Education Finance Act of 1948" in whose sponsorship I joined last year with other Members of this body.

At the outset I should like to say that great credit should be given to the distinguished chairman of the Committee on Labor and Public Welfare, the senior Senator from Ohio [Mr. TAFT], for the leadership and constant support that he has given to the development of this measure, and to the members of the Committee on Labor and Public Welfare, who, under the able leadership of the distinguished senior Senator from Vermont [Mr. AIKEN], spent weeks in its consideration and preparation.

The passage of S. 472 will give immediate and needed support to the schools of my State, Kentucky. I am happy that the schools of Kentucky will receive aid; but I would support this measure even if Kentucky did not share largely in its benefits. I support it because it gives meaning and effect to a fundamental principle of our governmental and economic system, the principle of opportunity.

In recent years the Government of the United States has placed great emphasis upon the concept of security. The shift from an agricultural to an industrial economy has raised complex questions concerning the economic life and opportunity of many people. One of the difficult tasks of our society is to find the means to promote and protect the economic well-being of the people without imposing governmental controls which would destroy incentive and responsibility, and which would ultimately limit and constrict the political and spiritual freedom of the individual.

I recognize and give support to the concept of security in our society, but I believe strongly that it should be supplementary to and not prior to the concept of opportunity.

It is encouraging to note that, after these years in which security and the power of the State have been overemphasized, we are today considering a measure which gives emphasis to opportunity and to the capabilities and infinite possibilities of the individual.

The evidence heard by the Committee on Labor and Public Welfare makes it clear that the inequalities of educational opportunity existing in this country are limiting the full equality and freedom of opportunity which is one of the ideals of our political system.

We take great pride in the public, private, and sectarian schools, the colleges and universities, the buildings and equipment which mark our interest in education. This year we shall spend approximately $4,244,000,000 for public education, a sum larger than any other nation will spend. These physical evidences of our educational system are not too reassuring when we remember that 1,200,000 men, representing 8 percent of all those examined for selective service during the war, were rejected because of educational deficiencies.

This shocking proof of the inadequacy of American education is further confirmed by facts which have been developed from census records, and from careful and objective studies made by the Senate Committee on Labor and Public Welfare, the National Education Association, and other organizations, private and public.

Many of these facts have been ably presented by other Members of the Senate, and I shall not repeat all of them. They do not require interpretation. They speak for themselves.

The Federal census of 1940 disclosed that 10,000,000 adult Americans had less than 5 years of schooling. The census of 1945 disclosed that 4,000,000 children between the ages of 5 to 17, inclusive, and 2,000,000 children in the usual school brackets of 6 to 17, inclusive, did not attend any school.

In proportion to population, the largest number of adults and children of school age in the three groups which I have mentioned reside in low-income States.

The defects in our educational system give reasons for the fact that 10,000,000 adults in the Nation have less than 5 years' schooling; that 1,200,000 young men were rejected for military service because of educational deficiencies; and that millions of children are not attending any school today. They are not temporary in their nature. They exist today. They are found in substandard equipment and facilities and in substandard teaching.

It is estimated that 1,000,000 children of the total attending school today are in schools whose expenditures for teaching services, supplies, transportation, and health are wholly inadequate, and that 2,000,000 are instructed by teachers who are inadequately prepared.

The most striking proof of the defective and precarious structure of our educational system is dramatically demonstrated by the fact that thousands of teachers are leaving the teaching profession because we cannot or will not pay them decent salaries.

In the school year 1946–47, when the cost of living was beginning its advance, 54 percent of the teachers in public schools were paid less than $2,000, and 16 percent were paid less than $1,200 a year.

There are 120 counties in my State. In the year 1946–47, when Kentucky was spending a greater percentage of its total revenues on education than many of the wealthier States, the average salary for teachers in 31 counties was less than $1,000 a year. In 50 counties it was greater than $1,000 but less than $1,200 a year. Only 39 counties were able to pay their teachers more than $1,200 a year.

The places of teachers who are being forced to leave their profession because of disgracefully inadequate pay are being filled by teachers with substandard preparation.

One of the findings obtained by the New York Times in a recent educational survey was that 109,625 of the 878,145 teachers of the Nation are serving on emergency or substandard certificates. In the school year 1946–47, 5,229 teachers, representing 39 percent of Kentucky's 18,164 public-school teachers, were not regularly qualified, but taught under emergency certificates. Two hundred and twenty-five thousand of the five hundred and sixty-nine thousand school children of the State were in their classes.

Great credit must be given to emergency teachers who have kept open schools that might otherwise have closed, but their unselfish service does not excuse the failure to pay salaries that will hold qualified teachers, give incentive

to emergency teachers to qualify themselves, and advance the standards of teaching.

There is something wrong with an economic and social system which makes better provision for men and women in labor, industry, or other professions, than for those who have made great sacrifice in time and money to prepare themselves to teach the youth of the Nation.

Carlyle said, "A university is a collection of books." The statement might be paraphrased to read "A school is a collection of books and a teacher." There can be no schools without teachers who are prepared, whose work is honored, and who are sufficiently secure to devote their interest and their lives to their profession.

These deficiencies of teacher training, equipment, and facilities are not general and uniform among the States, or even within the States.

They exist in the low-income States of the Union, States whose economy is based upon agriculture and the production of raw materials, and whose total wealth and tax structure cannot provide the revenue required for the adequate support of education. The task of many of the low-income States is made more difficult because they have more school children per thousand of population than do the richer States.

On last Wednesday my good friend the distinguished junior Senator from Louisiana [Mr. ELLENDER] made a very able speech in support of the pending measure. In his speech he discussed exhaustively the inequalities of educational opportunity existing between the States, and the local factors of population and wealth which contribute to those inequalities. With his permission, I desire to introduce into the RECORD several tables of statistical information which support the fine argument made by him.

At this point, I ask unanimous consent to have printed in the RECORD as a part of my remarks, three tables.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—*Number of school-age children per 1,000 population*

United States	216
District of Columbia	160
West Virginia	281
New Mexico	280
South Carolina	274
Alabama	270
North Dakota	270
North Carolina	266
Mississippi	263
Arkansas	259
Kentucky	256
Georgia	252
Tennessee	249
Oklahoma	247
Utah	247
Idaho	241
South Dakota	239
Louisiana	239
Maine	231
Virginia	229
Vermont	228
Texas	225
Montana	224
Pennsylvania	222
Michigan	221
Nebraska	221
Wisconsin	220
Wyoming	220
Iowa	217
Minnesota	217
Indiana	215
New Hampshire	214
Arizona	211
Colorado	210
Kansas	210
Ohio	207
Maryland	205
Delaware	202
Missouri	201
Massachusetts	197
Illinois	196
Rhode Island	194
Connecticut	194
New Jersey	192
Florida	192
New York	188
Nevada	185
Oregon	185
Washington	180
California	172

TABLE II.—*Total income subject to taxation, by States*

[1945 total income payments (millions)]

United States	$155,201
Alabama	2,021
Arizona	594
Arkansas	1,218
California	13,649
Colorado	1,271
Connecticut	2,635
Delaware	393
District of Columbia [1]	[2] 1,263
Florida	2,420
Georgia	2,445
Idaho	525
Illinois	10,695
Indiana	4,102
Iowa	2,375
Kansas	1,908
Kentucky	1,957
Louisiana	1,986
Maine	847
Maryland	[2] 2,664
Massachusetts	5,631
Michigan	6,799
Minnesota	2,614
Mississippi	1,205
Missouri	3,776
Montana	555
Nebraska	1,333
Nevada	210
New Hampshire	460
New Jersey	[2] 5,933
New Mexico	448
New York	[2] 20,295
North Carolina	2,621
North Dakota	566
Ohio	9,114
Oklahoma	1,801
Oregon	1,631
Pennsylvania	11,376
Rhode Island	956
South Carolina	1,303
South Dakota	598
Tennessee	2,443
Texas	6,527
Utah	649
Vermont	331
Virginia	[2] 2,829
Washington	3,052
West Virginia	1,472
Wisconsin	3,418
Wyoming	287

[1] District of Columbia: Data for the District have been included in order to present a complete statistical summary of continental United States. However, the District figures should not be ranked or similarly compared with the States.

[2] Adjusted to represent income payments on a "State of residence" basis rather than on a "State of recipients' employment" as given in original report.

Source: U. S. Department of Commerce, Bureau of Foreign and Domestic Commerce, Survey of Current Business, August 1947, pp. 22–23.

TABLE III.—*Current expenditures per pupil of average daily attendance for public education, 1944–45 school year*

United States	$125.41
District of Columbia	161.02
Highest 12 States:	
New Jersey	198.33
New York	194.47
Illinois	169.02
Massachusetts	166.67
Wyoming	164.84
Montana	163.42
California	163.38
Washington	159.78
Connecticut	159.50
Nevada	155.88
Rhode Island	148.96
South Dakota	144.62
Second 12 States:	
Oregon	144.56
Minnesota	144.29
Wisconsin	140.41
Ohio	138.25
Pennsylvania	137.00
Delaware	133.05
North Dakota	132.55
New Hampshire	131.48
Indiana	131.29
Kansas	130.85
Colorado	129.47
Michigan	127.73
Third 12 States:	
Arizona	127.55
Nebraska	127.28
Iowa	124.83
Utah	120.24
New Mexico	119.98
Vermont	117.90
Maryland	113.98
Missouri	113.07
Idaho	112.34
Texas	102.46
Maine	97.75
Oklahoma	96.61
Lowest 12 States:	
Louisiana	95.31
Florida	94.55
West Virginia	93.18
Virginia	83.49
Kentucky	80.94
Tennessee	69.70
North Carolina	68.91
South Carolina	65.17
Georgia	64.92
Arkansas	60.26
Alabama	56.93
Mississippi	44,80

Mr. COOPER. Mr. President, the first table gives the number of school-age children per 1,000 of population in each of the States.

The second table shows the total income of the States in 1945 susceptible to taxation for education and other purposes. These two tables indicate clearly that the largest school populations are in those States which are least able to support public education.

The third table states the expenditures for public education made by the States and local taxing units within the States for each pupil in average daily attendance during the 1944–45 school year. A study of these figures gives proof of the relationship between taxable wealth and education.

Mr. President, today it is admitted that the States have reached, or are approaching, the limit of their abilities to provide funds for education. Many of the States which are in greatest need of funds have been applying larger percentages of their total revenue to education than have the more fortunate States.

Six of the twelve States, designated in table III as providing the lowest number of dollars for each pupil, are using

more than 2 percent of their total revenue, and 8 in the group are using more than 1.90 percent of their total revenue for education, while only 4 of the 12 States designated in table III as providing the largest amount of dollars for each pupil are spending more than 1.90 percent of their total income for education.

Mr. KEM. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Kentucky yield to the Senator from Missouri?

Mr. COOPER. I yield.

Mr. KEM. I should like to ask the Senator whether he has any figures indicating the relationship between the debt of the Federal Government and the debt of the various States constituting the Union.

Mr. COOPER. No; I do not have figures on that subject. I anticipate that the Senator from Missouri will point out that the indebtedness of the States, in comparison to the debt of the Federal Government, is much lower and that they are in better financial position to provide for education.

Mr. KEM. Yes. The Federal Government debt is approximately $258,000,000,000, is it not?

Mr. COOPER. That is correct.

Mr. KEM. And the debt of the States in the aggregate is approximately $2,500,000,000, is it not?

Mr. COOPER. I have no reason to doubt the accuracy of the Senator's figures.

Mr. KEM. Moreover, the States have cash on hand which would reduce the total liabilities of the States to approximately $1,000,000,000.

Mr. COOPER. I should like to point out that the cash on hand could not be used for the recurring expenditures of a State. It might be used for capital outlays in a State, but it cannot be assumed that there will be a surplus each year.

Mr. KEM. But I think it gives a fair picture of the financial condition of the States.

I should like to ask the Senator this question: Admitting that there are great deficiencies in our public-school system, which have been so ably pointed out, does the Senator feel that all those problems should be brought to Washington for solution, and that intervention by the Federal Government is the answer to the problems of American education?

Mr. COOPER. I do not so believe, but if the Senator from Missouri is directing his question to the problem now before the Senate, namely, the problem of education in elementary and secondary schools, I shall answer "Yes."

Mr. KEM. Then, does the Senator feel that the ultimate result of such a program will be to have Washington bureaucrats fix what is to be taught, how it is to be taught, and who is to teach it?

Mr. COOPER. I do not accept the conclusion that such a situation will occur.

Mr. KEM. How is it possible to correct these deficiencies unless such control does occur from Washington?

Mr. COOPER. As has been so often stated in the course of this debate, the bill now contains a provision that the Federal Government shall in no way regulate or supervise the educational systems of the States.

Mr. KEM. Yes. However, I find on my desk an amendment, for instance, intended to be proposed by the able Senator from New Jersey [Mr. HAWKES], to—

> Provide for the teaching in the public elementary and public secondary schools within such State, and in all other schools within such State to or for the benefit of which funds appropriated pursuant to this act are disbursed, of regular courses of instruction in the text and interpretation of the Constitution of the United States, consisting of not less than 2 hours of classroom instruction during each 4-week period within the school year, in each grade or year above the fifth (excluding kindergarten).

Does not the Senator from Kentucky feel that what we are doing now is merely permitting the camel to put his nose under the tent?

Mr. COOPER. The distinguished Senator from Ohio [Mr. TAFT] has stated very frankly several times during the course of this debate that such a danger exists But he has also said, that it is a question of weighing a possible but unlikely danger against meeting the immediate needs of this country with respect to education.

Mr. KEM. I have read the very able statement of the senior Senator from Ohio which appears in the committee hearings. As I read it, it was very difficult for me to tell in certain places which result he would finally reach—whether he would favor the bill or would oppose it.

Mr. COOPER. I assume that the distinguished Senator from Ohio can take care of himself, without any help from me.

Mr. KEM. I shall be glad to invite the attention of the Senator from Ohio to the passages of his statement which I have in mind, if he is in any doubt about it.

Mr. AIKEN. Mr. President, will the Senator yield to me?

Mr. COOPER. I yield.

Mr. AIKEN. I should like to refer to the suggestion of the Senator from Missouri that we should take into consideration the public debt of the States and should compare it with the public debt of the Federal Government. I wish to say that if we tabulated the public debt of all the States, the result would not have a great deal of meaning, for the simple reason that so many States have constitutional prohibitions against the creation of a public debt, and in those States the debt is carried by the counties and municipalities.

So a table showing the public debt of the States, in comparison to the national debt, would not have too much meaning. If it would have any meaning at all, we should include the public debt of the municipalities and counties, as well as the debt of the States themselves. I wish to make that contribution at this time.

Mr. KEM. Mr. President, will the Senator yield to me?

Mr. COOPER. I yield.

Mr. KEM. Did I correctly understand the Senator from Vermont to say that in his judgment the public debt of the States is of little importance in connection with a discussion of this problem?

Mr. AIKEN. No; I said a table showing the State debts would not have full meaning because some States have constitutional prohibitions against the incurrence of a debt on the part of the State; and in those States some of which are in the Midwest—I do not know whether Missouri is one, but I think Nebraska is one—it would be necessary to have a tabulation of the debts of the municipalities and counties, as well as the debts of the States, in order to have the complete picture.

Mr. KEM. Yes; but the Senator will agree, I am sure, that the aggregate of all the debts of the local subdivisions and of the States is comparatively small, as compared to the gigantic Federal debt.

Mr. AIKEN. I do not know what it is, but it is less. However, the means of the States to pay off debt is sometimes difficult to prove.

Mr. KEM. After all, all taxes must come from the people.

Mr. AIKEN. That is correct.

Mr. KEM. And if there are presently insufficient means of raising revenue, that can always be corrected.

Mr. AIKEN. The Senator is correct.

Mr. KEM. It is not necessary to break down our constitutional form of a union of States in order to accomplish that.

Mr. AIKEN. It is unfortunate that a large share of the wealth created in this country gravitates from the sources of its origin to a few financial centers which are located in the more wealthy States. The only way in which a share of that wealth, which may be desperately needed, can be restored to the States where it is created is by means of Federal taxation and the reallocation of the tax receipts to all the States, based on certain formulas. There are different formulas for different Federal programs.

Mr. COOPER. I agree. The Senator from Vermont has touched the great cause of this inequality. It does not come from the comparative debts; it does not arise from the tax structures of the States——

Mr. AIKEN. That is correct.

Mr. COOPER. It arises from the differences in taxable wealth in the States.

Mr. AIKEN. I may point out that certain of the wealthiest corporations in the country are controlled by people who live in a few Eastern States, although the production takes place and their wealth is created in some of the more sparsely settled States of the West.

Mr. KEM. Mr. President, will the Senator yield?

Mr. COOPER. I am happy to yield.

Mr. KEM. Does the Senator present this measure to us as a method or means for the redistribution of wealth in this country?

Mr. COOPER. Is the Senator addressing his question to me?

Mr. KEM. Yes.

Mr. COOPER. That certainly is not the purpose or intention of the bill. I would not support the bill if it had such a purpose.

Mr. AIKEN. No.

Mr. COOPER. The remark made by the Senator could be made with respect

to almost any system of Federal aid to the States. I think it could just as well apply to any other function of the Federal Government. It certainly could apply to loan programs, and to agriculture, and for roads. I do not believe they were initiated to redistribute wealth.

Mr. KEM. We have seen bills introduced and passed in Congresses preceding the present one, that had that objective and purpose, beyond any question. What I am asking the Senator is whether his bill belongs in that classification.

Mr. COOPER. I may say to the Senator that if the purpose of this bill were merely to provide a means of redistributing the wealth of the country as such, I certainly would not approve that purpose. But that is not the purpose of this bill. The objection the Senator raises could be raised against any program of the Federal Government in which funds are distributed to States in aid of certain programs.

Mr. President, Senate bill 472 will not eliminate all inequalities and bring exact educational opportunity to all the children of the States. It will provide the minimum requirements in teaching and facilities needed by school children for a fair educational start in life.

A consequence of this measure which holds great interest to me is the support that will be given to the education of the Negro citizenship of the Nation, particularly of the South. The bill does not attempt to prescribe how funds shall be used by the States, but it insures, to the extent of the funds available, equality of educational opportunity for our Negro citizenship.

I shall not discuss in detail the formula by which allocations to the States are determined. It proposes to advance to each State from an annual appropriation of $300,000,000 that sum of money which added to one-half of the money now being spent by the State will provide a base average annual expenditure of not less than $50 for every pupil in average daily attendance in the public primary and secondary schools. If one-half of the money now being spent by the States per pupil is equal to or more than $50, $5 per child will be advanced to raise standards in the poorer districts of each State.

It is designed to encourage and promote continuous effort by the States to increase local expenditures for education. To this end, allocations to the States are reduced proportionately to the extent that local expenditures fail to reach 2.5 percent of the total incomes of the States, and if any State is not expending as much as 2 percent of its income on education at the end of 4 years, aid to such State will be withdrawn. These requirements are important because they encourage local interest and responsibility.

I ask unanimous assent to have inserted in the RECORD at this point, as a part of my remarks, a table which I shall designate as table IV, which is copied from Report No. 439 of the Committee on Labor and Public Welfare accompanying the bill, and which states the estimated allotment of Federal aid to the States if S. 472 is enacted into law. It must be remembered that the amounts stated will be lowered proportionately, to the extent that the percentage of the total income of a State expended for education fails to reach 2.5 percent. For example, the estimated allocation to Kentucky per annum shown in the table is $16,120,000 or $22.30 per child. Because Kentucky's expenditures on education do not reach 2.5 percent of its total revenues, and are estimated to be 2.13 percent of the total, its allotment would be reduced to approximately $12,962,000 a year.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE IV.—*Estimated allotment of Federal aid to States under S. 472* [1]

State	$5 per child 5–17 years of age (thousands)	Excess of $45 per child over 1 percent of income payments (thousands)	Total amount of allotment (thousands)
Continental United States	$144,650	$215,855	$295,260
Alabama	3,950	19,390	19,390
Arizona	740	1,750	1,750
Arkansas	2,440	12,390	12,390
California	7,260	----------	7,260
Colorado	1,225	685	1,225
Connecticut	1,705	----------	1,705
Delaware	285	----------	285
District of Columbia	720	----------	720
Florida	1,260	1,780	2,260
Georgia	4,125	17,745	17,745
Idaho	600	1,010	1,010
Illinois	7,520	----------	7,520
Indiana	3,645	----------	3,645
Iowa	2,505	1,275	2,505
Kansas	1,860	540	1,860
Kentucky	3,520	16,120	16,120
Louisiana	3,055	11,075	11,075
Maine	940	1,060	1,060
Maryland	2,135	----------	2,135
Massachusetts	4,160	----------	4,160
Michigan	5,980	----------	5,980
Minnesota	2,780	2,820	2,820
Mississippi	2,975	16,985	16,985
Missouri	3,755	1,665	3,755
Montana	545	55	545
Nebraska	1,350	1,220	1,350
Nevada	135	----------	135
New Hampshire	490	640	640
New Jersey	4,025	----------	4,025
New Mexico	760	3,390	3,390
New York	12,010	----------	12,010
North Carolina	4,885	22,825	22,825
North Dakota	725	1,655	1,655
Ohio	7,090	----------	7,090
Oklahoma	2,675	9,195	9,195
Oregon	1,125	----------	1,125
Pennsylvania	10,410	----------	10,410
Rhode Island	720	----------	720
South Carolina	2,715	13,855	13,855
South Dakota	685	1,445	1,445
Tennessee	3,695	14,785	14,785
Texas	7,875	18,675	18,675
Utah	785	1,535	1,535
Vermont	375	615	615
Virginia	3,540	8,070	8,070
Washington	1,820	----------	1,820
West Virginia	2,495	10,405	10,405
Wisconsin	3,300	1,020	3,300
Wyoming	280	180	280

[1] As computed in sec. 4 (C) without application of reductions provided in sec. 4 (D).

Mr. COOPER. The Committee on Labor and Public Welfare has stated clearly in its able and comprehensive report that the pending measure is based upon three basic principles. I have discussed briefly two of these principles, the principle of equalization and the principle of maintenance of State and local effort. A third principle, equally as important, is secured by section 2, which provides that the Federal Government shall not directly or indirectly regulate, control, or interfere with State educational systems. This provision is so important that I ask that it be inserted in the RECORD at this point as a part of my remarks.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SEC. 2. Nothing contained in this act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or to prescribe any requirements with respect to any school, or any State educational institution or agency, with respect to which any funds have been or may be made available or expended pursuant to this act, nor shall any term or condition of any agreement or any other action taken under this act, whether by agreement or otherwise, relating to any contribution made under this act to or on behalf of any school, or any State educational institution or agency, or any limitation or provision in any appropriation made pursuant to this act, seek to control in any manner, or prescribe requirements with respect to, or authorize any department, agency, officer, or employee of the United States to direct, supervise, or control in any manner, or prescribe any requirements with respect to, the administration, the personnel, the curriculum, the instruction, the methods of instruction, or the materials of instruction, nor shall any provision of this act be interpreted or construed to imply or require any change in any State constitution prerequisite to any State sharing the benefits of this act.

Mr. COOPER. Mr. President, the only hope for educational equality in this country is Federal aid to education. The decision is now with us, as to whether Federal aid shall be made available or refused upon grounds which are based on untenable fears.

The chief objections which have been made to S. 472 revolve around the first and fourteenth amendments to the Constitution of the United States.

The first amendment provides that—

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

The fourteenth amendment makes the first amendment applicable to the States, and thus prohibits the States from making any law respecting an establishment of religion, or prohibiting the free exercise thereof. It has been said that these amendments were intended to erect a wall of separation between church and state. I agree with and support strongly that purpose. The amendments prohibit the use of public funds in the public schools or any denominational or sectarian schools of the country for the establishment or support of any religion or faith. At the same time they guarantee the free exercise of religion in denominational and parochial schools, without control or regulation by the State.

Some of those who oppose this bill are fearful that the funds which it provides will be used by the State to support or establish religion in public or private schools, or to support religion in sectarian schools in violation of the constitutional tradition of the separation of church and state. I assert that such action could not be taken constitutionally by any State, even if so desired. I

point to section 6 of S. 472, which provides that the funds shall be disbursed by the State educational authority for any current expenditures for elementary or secondary school purposes for which educational revenues derived from State or local sources may legally and constitutionally be expended in such States. I emphasize the words, "legally and constitutionally."

Others who are interested in sectarian schools desire that the bill name certain uses, not primarily educational in nature, for which the funds may be used in sectarian schools. If we do this it is entirely possible that we will designate uses which would be held to violate the first and fourteenth amendments. There are other compelling objections.

Education is the primary concern of the States, and, subject to constitutional restriction, it is wise that the people of a State acting through their legislatures establish systems which are in harmony with their peculiar needs, customs, and beliefs.

One of the fundamental characteristics of the bill, expressed in section 2, is that the Federal Government shall not control or regulate the educational system of a State. Believing that provision to be sound, I shall vote against amendments which seek to substitute the opinion and judgment of the Congress for that of the people of the States.

Mr. President, I have not attempted to emphasize the material benefit which will flow to the school children of the Nation and to the community if this bill shall pass.

I emphasize, rather, its value in maintaining and giving life to representative government. It is inherent in our system that the action taken by the Government, legislative or otherwise, shall express the will and opinion of the people. Unless the people are informed, there exists always the danger that the judgment of the Executive will be substituted in increasing measure for the will of the people or that progress and improvement will be stifled.

Education can give that information to the people which is needed for effective self-government. It can strike out the prejudice and intolerance that grow from lack of understanding. It can give new value to the individual in opening the doors of opportunity. It will strengthen representative government.

I earnestly hope that the Senate will pass this bill and that it will become law.

Mr. DONNELL. Mr. President——

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. TAFT. I hope we may have a vote on the amendment offered by the Senator from Missouri. I understand he wishes to say something regarding his amendment, and I should like to say a few words in reply. If there is no other Senator who wishes to speak on the amendment at this time, I think we might have a quorum call and then proceed.

Mr. THYE. That is what I was about to suggest.

Mr. DONNELL. May I amend the suggestion to this extent: We have on the floor now a comparatively small proportion of the membership, and therefore we are not able to tell at this moment whether other Senators desire to speak. My suggestion is that we have a quorum call and that then an opportunity be afforded for all those who desire to speak to proceed to do so. I should like, as the proponent of the amendment, to have the privilege of closing the debate, if there is no objection on the part of the Senate to that procedure being followed. But I think it would be well to have a quorum call and then ascertain whether other Senators desire to be heard. If the Senator from Ohio desires to be heard, either in advance of my remarks or following their conclusion, with permission to me to close the debate, I am perfectly willing to follow that course.

Mr. TAFT. Mr. President, will the Senator yield for the purpose of suggesting the absence of a quorum?

Mr. LUCAS. Mr. President, it is proposed to vote this afternoon on only the one amendment?

Mr. TAFT. I would hope to proceed to vote on as many amendments as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	O'Conor
Baldwin	Hayden	O'Daniel
Ball	Hickenlooper	O'Mahoney
Barkley	Hill	Overton
Brewster	Hoey	Pepper
Bricker	Holland	Reed
Bridges	Ives	Revercomb
Brooks	Jenner	Robertson, Va.
Buck	Johnson, Colo.	Robertson, Wyo.
Bushfield	Johnston, S. C	Russell
Byrd	Kem	Saltonstall
Cain	Kilgore	Smith
Capehart	Knowland	Sparkman
Capper	Langer	Stennis
Chavez	Lodge	Stewart
Connally	Lucas	Taft
Cooper	McCarran	Thomas, Okla.
Cordon	McCarthy	Thomas, Utah
Donnell	McClellan	Thye
Downey	McFarland	Tobey
Dworshak	McGrath	Umstead
Eastland	McKellar	Vandenberg
Ecton	McMahon	Watkins
Ellender	Magnuson	Wherry
Ferguson	Malone	White
Flanders	Martin	Wiley
Fulbright	Maybank	Williams
George	Millikin	Wilson
Green	Moore	Young
Gurney	Morse	
Hatch	Myers	

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, a quorum is present.

Mr. DONNELL. Mr. President, as was stated before the quorum call, and in the absence of a number of the Members who are now present, it is hoped to vote upon the amendment which I have had the honor to present to the Senate, bill 472, and to argue upon at considerable length some days ago. As the proponent of the amendment, and, I may say, as the only proponent of it—I hope not the only one who will vote for it—I should like to have the privilege of concluding the argument on it.

I pause in my statement at this time to state, however, that I shall certainly welcome anyone who desires to speak in opposition to what I am about to say, and at any time that such speaker himself desires to take the floor, I shall be glad to permit him so to do, with the understanding that I may thereafter resume. Likewise, Mr. President, I hope that if any Members of the Senate shall during the course of my remarks desire to speak in behalf of the amendment, they will not feel in the slightest embarrassed at making known their desires so to do, whereupon I shall take pleasure in following the same course of procedure with respect to such Members of the Senate.

I shall discuss the amendment briefly in a moment. Before so doing I should like to comment in a very few words, not upon the amendment itself, but upon the views of the minority of the Committee on Education and Labor presented on October 14, 1943. The gentlemen who presented that report were the distinguished senior Senator from Ohio [Mr. TAFT] for himself and for the late Senator Walsh of Massachusetts, the Senator from Minnesota [Mr. BALL], and the Senator from Nebraska [Mr. WHERRY].

I take it that at one time a man may look upon a proposition from a different viewpoint than at a later time; but I do think it would be instructive and proper that our record of the debate should contain within it a complete copy of the minority views. If I am in error in thinking that the minority views have not been introduced into the RECORD I shall not present them, but with the understanding that if they have been introduced into the RECORD they need not be again placed in the RECORD, I now ask unanimous consent that the entire minority views expressed in Report No. 323, part 2, with respect to Senate bill 637, on October 14, 1943, may be set forth in the RECORD at the conclusion of remarks on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. DONNELL. I should like also to read three observations from the minority views of less than 5 years ago. On page 2 appears this language:

> Taking both parts of this bill together, it is a proposal to establish a Federal subsidy for common-school and high-school education, a function of the State governments and local governments for the last 150 years. There can be no doubt that common-school and high-school education is the obligation of the States and their local subdivisions under our constitutional system and that it is not an obligation of the Federal Government. There is nothing whatever in the Constitution which delegates to the Federal Government power to deal with questions of education. All authority for a Federal subsidy of education must be based upon the spending power, which is sufficiently broad to give a legal basis for the current bill, as for other subsidies to local government.

Then, Mr. President, I read from page 5 of the same minority views, as follows:

> There is an even more important question. Can Federal subsidies to the public-school system be maintained without ultimately bringing about a nationalization of our educational facilities and federalized bureaucratic control? This is an eventuality which the proponents of the present bill insist is not intended and which they maintain can be avoided. They contend that by the provisions of section 1 the danger is removed.

I may stop, Mr. President, at that point to say that likewise the proponents of Senate bill 472 contend that by a portion of that bill, section 2, likewise the danger is again removed.

I pass further into the minority views of 1943. After the sentence which I have read:

They contend that by the provisions of section 1 the danger is removed.

The minority views continue:

We seriously question this conclusion. We believe that in the complexity of reports, of plans, of State legislation to conform to Federal policies, of counsel and advice and joint participation of the Federal Government and the States, and all of the other manifold details of the operation of the contemplated program of Federal subsidies, our public-school systems would be gradually, but no less inevitably, drawn more and more under the thumb of a Federal bureaucracy.

Mr. President, in the conclusion of the minority views we find the following language:

We do not subscribe to the doctrine that because our public schools and our educational facilities are a vital element in our national welfare, they thereby become the proper concern and implied responsibility of the National Government.

Our schools are one of the few remaining bulwarks of local self-government and community enterprise. They should so remain. They have on the whole been well managed and generously supported. We have today too much centralization of control over the affairs of our citizens in a Federal bureaucracy. We should not add to it by this new excursion into the field of education.

Mr. President, this was the language used in 1943 by the proponent, the senior Senator from Ohio, and by another member of the present Committee on Labor and Public Welfare, the Senator from Minnesota [Mr. BALL], both of whom now, as I understand, advocate the passage of Senate bill 472. I have not heard the Senator from Minnesota speak upon the floor, but certainly he did not oppose the bill in the report of the committee as it was presented to the Senate. I may say, Mr. President, as I said earlier today, that when Senate bill 472 was voted out of the Committee on Labor and Public Welfare to the floor of the Senate, if the provision of section 6 which I now propose had been in substance, inserted, I myself should have voted for a favorable report on Senate bill 472. But, Mr. President, as I have heard this argument progress I have become the more doubtful—indeed, as I read the eloquent remarks made by the distinguished senior Senator from Ohio and the Senator from Minnesota less than 5 years ago, I am even more in doubt—as to whether, regardless of what amendments may be attached to this bill, it should receive our support.

The amendment which I propose has been printed and placed upon the desks of Senators. I apologize for repeating, and I trust that I shall not consume by any means as much time as I did on Monday of this week in extensively setting forth documentation and other statements upon my position. But I do find it necessary, in justice to the cause for which I plead, to take some time to present, at least in outline, my general views.

I remember that an old friend of mine who was a member of the bar in the city of New York several years ago, in referring to a friend of his, stated that this friend occasionally would remark that, "It is very difficult to discuss a matter without alluding to it." I find somewhat the same difficulty here in adequately discussing this proposition without to a very considerable extent repeating at least the outline—with some amplification as I go along—of the argument which I presented on Monday, when it was understood, as will be recalled, that there was to be no vote upon any controversial matter, and when—as I have no doubt was true—it was stated that many Senators were out of the city because of the Easter holiday.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. REVERCOMB. I am very much interested in the amendment of the Senator from Missouri. As I understand, the effect of the Senator's amendment would be to provide a limitation on how the money shall be spent. Would it not be better to give the money to the States, if it is to be given, without any conditions or limitations whatsoever? If we start establishing conditions and limitations with respect to how the States shall spend the money, are we not at once entering into the realm of placing Federal conditions upon the use of the money which may be appropriated, the one thing which many of us are watching with great care? Let me sum it up in this way: Would it not be better to have the several States declare their own policies, and use the money within the States as they feel it should be used? I should like to hear the Senator on that point.

Mr. DONNELL. Mr. President, that was substantially the whole tenor of the point which was involved in the discussion on Monday last, which occupied more than 3 hours. I shall be very happy to address myself to the question which the Senator from West Virginia has submitted.

The proposition which he presents would obviously, in his own mind, be subject to certain limitations, for certainly he would not advocate an appropriation to the States to use as they should see fit. Certainly he would concede that it is proper to say that the money shall be used only for educational purposes. At least there should be some broad general outline or statement of the purposes for which it may be used. I undertake to say that the Senator would certainly not advocate that we enact a statute which, in substance, would say, "There is hereby authorized to be appropriated to each and every State of the Union $7,500,000, to be used as each State shall decide."

Mr. REVERCOMB. Mr. President, will the Senator further yield?

Mr. DONNELL. I yield.

Mr. REVERCOMB. We can put that general proposition immediately at rest, because the sole purpose of the bill is to provide funds for educational purposes. But once it is declared that the funds are to be used for educational purposes, to be allocated to the States, and received by them, would it not be the better course to leave it to the policies of the States to determine how they should spend the money for education? Once we take the step of saying definitely and in particular how they shall use the money, or place limitations upon the use of it, has not the Federal Government then stepped into the States' educational system?

Mr. DONNELL. I do not think so. In my judgment the Federal Government, and we as guardians of the funds of the Nation, have the right and the responsibility of stating in the legislation which we enact whatever limitations we deem proper. I do not mean by that to say that the Federal Government should undertake to manage the educational systems of the States. I am in thorough accord with the idea which I have no doubt the Senator from West Virginia entertains, that the Federal Government should not undertake to supervise, direct, or control the details of the educational system of any State in the Union. But I do say that the Federal Government has the right and duty, and we as Members of Congress, in my judgment, have the right and duty likewise, to state in the bill the purposes for which the appropriation is to be used, and if need be, the purposes for which the appropriation is not to be used. As I proceed I shall develop—I trust adequately—my views upon the question submitted by my distinguished friend the Senator from West Virginia.

The amendment which I offer is to be attached to and in substitution of a part of section 6 of the bill. It will be recalled that section 3 provides as follows:

SEC. 3. For the purpose of more nearly equalizing public elementary-school and public secondary-school opportunities among and within the States, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1949, and for each fiscal year thereafter, the sum of $300,000,000 to be distributed among the States as hereinafter provided.

Section 6 provides as follows:

SEC. 6. In order more nearly to equalize educational opportunities, the funds paid to a State from the funds appropriated under section 3 of this act shall be available for disbursement by the State educational authority, either directly or through payments to local public-school jurisdictions or other State public-education agencies, for any current expenditure for elementary or secondary school purposes—

I call attention to the remaining portion, which my amendment would strike out, and for which my amendment would provide a substitute—

for which educational revenues derived from State or local sources may legally and constitutionally be expended in such State.

The amendment which I offer is to strike out lines 12, 13, and 14, which contain the words "for which educational revenues derived from State or local sources may legally and constitutionally be expended in such State" and substitute therefor, after the punctuation of a colon, the words *"Provided,* That no funds appropriated under this act shall be disbursed in any State for the support or benefit of any sectarian or private school."

Mr. President, this amendment is based upon the proposition that the act

should, itself, clearly and affirmatively set forth that no funds appropriated under the act shall be disbursed in any State for support or benefit of any sectarian or private school.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. REVERCOMB. Let me make it clear to the Senator that I believe his thought is entirely sound. I believe that it is right for the proper policymakers to lay down the policy that private schools be not supported with public funds. At the same time, the point which I have addressed to the Senator, and upon which he has given his views, is that the Federal Government, including the Congress, is not the one to declare the conditions, the limitations, or the policies of the schools within the States. I want the Senator to understand that so far as the policy itself may go, it may be indeed a very good policy.

Mr. DONNELL. Mr. President, if the policy itself may be indeed a very good policy, the only place that the policy can be successfully enunciated and crystallized into law is in an act of the Congress of the United States. We have a great diversity of provisions in the constitutions and statutes of the various States.

Mr. REVERCOMB. Mr. President, will the Senator further yield?

Mr. DONNELL. I yield.

Mr. REVERCOMB. I disagree with the Senator when he states that the Federal Government is the only government that can declare the policy. That is the very point, and the main issue in the idea of Federal aid. The policymakers should be the several States themselves; and unless that rule be adhered to throughout the course of legislation upon this subject, we shall find that the free schools of the States will have their policies made and directed by the Federal Government—something about which we are all quite apprehensive.

Mr. DONNELL. Mr. President, with all due deference to my distinguished friend, I think he is entirely confusing two very different things. He says, as I understand him, that the question of what the school should do should be left to the States themselves. I agree that that is true. But my amendment proposes to have the Federal Government say what schools shall not receive the Federal funds. After the funds have passed to the States, to my mind, the control should be within the States themselves. But I certainly think that if it be found that the private schools and the sectarian schools should not receive the aid of governmental funds, the place at which to apply the restriction is in the Federal Congress, so that not one dollar shall go from Washington into the various 48 States, there to be acted upon severally and independently by the States.

I fully appreciate the fact, of course, that after this money goes to the various States, each and every State may, within the limitations of its own constitution and the Federal constitutional requirements, itself determine the use to which the funds may be put in their respective educational systems. But I say that in order to determine what schools shall receive the aid—not in determining what is the policy after the money goes to the schools, not in determining what they shall teach, not in determining what they shall not teach, but in determining what school shall receive Federal funds—the duty devolves upon the Congress of the United States to say, in language so clear that no one can misunderstand it, that certain specific, designated types of schools shall not receive the funds appropriated by the Congress. That is the theory upon which this amendment proceeds; and, Mr. President, I think it proceeds upon a sound public policy—sound from the standpoint of the interests of the United States Government and its people, and sound, likewise, from the standpoint of the religious organizations by which the various sectarian schools are managed, and sound from the standpoint of the private schools which may or may not be sectarian in their nature.

Mr. President, as I proceed I shall endeavor to expound my views as best I can. I trust that the Senator from West Virginia will find, as I proceed, that, regardless of whether he may agree with my views, at any rate I shall have given my answer to the question he has propounded.

Before the Senator from West Virginia asked his question, Mr. President, I stated that the amendment I propose is based on the proposition that the act itself should clearly and affirmatively set forth that no funds appropriated under this act shall be disbursed in any State for the support or benefit of any sectarian or private school.

Mr. President, what does the bill do in that respect? I take it that it is perfectly clear that the bill does not prohibit the disbursement of Federal funds in any State for the support or benefit of any sectarian or private school. I challenge anyone to take this bill, beginning with its opening word and going to and including its concluding word, and find in it anything which amounts to a prohibition of the disbursement of Federal funds in any State for the support or benefit of any sectarian or private school.

Indeed, Mr. President, as I pointed out in my presentation on Monday of this week, the senior Senator from Ohio [Mr. TAFT], himself, in speaking on March 24, 1948, in favor of section 6 of this bill, said:

> That section refers very briefly to private schools, or parochial schools. If a State, as part of its educational system, chooses to distribute money to private schools in the conduct of its educational system, then Federal funds may be used in the same way. If a State refuses to do so, the Federal funds cannot be used in that way. In other words, it is an absolutely home-rule provision.

Indeed, Mr. President, the Senator from Ohio clearly contemplates, I suppose, that certain of these Federal funds will pass, under the act, to sectarian schools. That he so contemplates appears in the following quotation from his remarks at page 3357 of the CONGRESSIONAL RECORD:

> If we are going to maintain a system of local autonomy, if the Federal Government is not going to use this money to change the educational system which is desired by the people of any State, then it seems to me that we must adopt a provision of this kind. I am quite prepared to defend it against those who want some parochial-school aid and those who do not want any.

Mr. President, the fact that the Senator from Ohio contemplates that in the case of any States which may use their own funds for sectarian purposes, the Federal funds appropriated under this act may be used for such schools, further appears from the fact that at page 3357 of the CONGRESSIONAL RECORD the Senator from Ohio indicates, not an opposition to the use of funds for sectarian schools, but merely his view that under the decisions of the Supreme Court of the United States, very little of such aid can be given to sectarian schools. The Senator from Ohio said, as shown at page 3357 of the CONGRESSIONAL RECORD:

> I may say that, so far as the parochial schools are concerned, the recent decisions of the Supreme Court make it almost—

I call to the attention of the Chair and of the other Members of the Senate the word "almost"—

> almost impossible for any State to give aid to any parochial schools except possibly for bus transportation.

Mr. President, in this morning's mail, I received a clipping from the St. Louis Globe-Democrat, which is published in the State from which I come. The opening paragraph of the editorial contained in the clipping, which editorial is entitled "Pitfalls in School Aid," clearly shows what interpretation is placed by this well-known and outstanding newspaper upon the meaning of the bill as regards the right of private and church schools to share in the distribution thereunder. Let me read these few sentences from the opening paragraph of the editorial:

> Senator TAFT has announced he will press for a vote in the Senate this week on the controversial "educational finance act." This bill, which proposes to distribute $300,000,000 annually in Federal aid to schools, has the support of educational organizations, including the National Education Association. It is intended to equalize educational opportunities, particularly in the States where public schools are substandard.

Then, Mr. President, comes the concluding, crucial sentence, from the standpoint now under discussion, in the opening paragraph:

> Where State laws permit, private and church schools would be permitted to share in the distribution.

Mr. President, that clearly is the idea of the Senator from Ohio, although in his own judgment, as he indicated in what I have read, he thinks that the recent decisions of the United States Supreme Court make it "almost"—and I emphasize that word by intonation—and I trust that in the RECORD the word will be italicized, "almost" impossible for any State to give aid to any parochial

schools, except possibly for bus transportation.

Mr. President, at this point I ask unanimous consent that the editorial from the St. Louis Globe-Democrat, published on yesterday, March 30, 1948, be printed in full, as a part of my remarks.

The PRESIDING OFFICER (Mr. HOEY in the chair). Without objection, it is so ordered.

The editorial is as follows:

PITFALLS IN SCHOOL AID

Senator TAFT has announced he will press for a vote in the Senate this week on the controversial "educational finance act." This bill, which proposes to distribute $300,000,000 annually in Federal aid to schools, has the support of educational organizations, including the National Education Association. It is intended to equalize educational opportunities, particularly in the States where public schools are substandard. Where State laws permit, private and church schools would be permitted to share in the distribution.

There are valid objections to the principle of Federal aid to schools which suggest that it is not in the public interest. The term "aid" is misleading. What this "aid" amounts to is additional taxation for the wealthy and more populous States for the benefit of the backward States. Missouri, for example, under the distribution formula proposed in the bill, would receive $3,755,000 in Federal aid. Missouri taxpayers, however, would contribute to the program in Federal taxes $7,710,000. The difference, nearly $4,000,000, would go to States like Alabama, Mississippi, and North Carolina. Alabama, under the formula, would receive in Federal aid $19,390,000 and pay in Federal taxes but $3,660,000. Mississippi would receive $16,985,000 and pay $2,100,00. North Carolina would receive $22,825,000 and pay in taxes $5,470,000.

Missouri's per capita expenditure per pupil is now $67 annually, and it ranks close to the bottom of the list of States in per capita expenditures. Yet this State would pay in Federal aid over what it receives, enough to raise the per capita expenditure to the national average.

The most serious objection to the bill is that it would be the opening wedge to Federal supervision and control of public school education. Proponents of the measure insist that this is not the intent. Section 2 of the bill, in fact, contains a disclaimer against Federal interference or control of school systems. But so long as the bill includes regulation of minimum teacher salaries, Federal control over minimum State expenditures for schools, and compliance with other Federal standards and regulations, the disclaimer is meaningless.

Less eloquent, but more realistic than the disclaimer provision, is the recent Supreme Court decision on a Federal aid issue, which declares that "it is consistent with due process for the Government to regulate that which it subsidizes."

Mr. DONNELL. Mr. President, as I have indicated, in my judgment it is of fundamental importance—not of trivial or immaterial importance or semi-importance, but of fundamental importance—that public funds be not appropriated for the use or benefit of sectarian schools. In my judgment not $1 of the funds from the Federal Government should, from the standpoint of public welfare, if the Chair please, be so appropriated for the use or benefit of sectarian schools.

I say it is fundamental. Yes, it is fundamental from a standpoint both of the people themselves and of the religious organizations themselves. From the standpoint of the public, such support is objectionable certainly for at least three distinct reasons. First, because the support of sectarian schools by public funds permits such funds which are derived from people of all religious affiliations, or as I mentioned a few days ago, from people of no religious belief, to be used for the teaching of the religious views held by specific groups of individuals.

From the standpoint of the public, the support of sectarian schools in whole or in part by public funds is objectionable, because if public funds are to be used by schools of one specific sect, whether Methodist, Congregationalists, Presbyterians, Jews, Catholics, or any other sect, other groups and other sects would be entitled to the use of public funds in their schools.

I quoted the other day, Mr. President, a very distinguished lady who lives in Washington, who wrote in the current issue of the Reader's Digest a sentence, part of which reads as follows:

For public support of one sectarian school system would bring many others into existence, thus undermining our public educational system and the future development of our Republic.

So, Mr. President, I submit, in addition to the standpoints which I have mentioned, there is objection from the standpoint of the public.

From the standpoint of the schools themselves there is the danger to which reference has been made by more than one Senator upon this floor, not confined in the remarks of other Senators solely to sectarian schools, but the danger which the Senator from Ohio has in this very debate conceded exists with respect to public schools, namely, the danger that the Federal Government, which provides the funds, may ultimately attach conditions to the use of the funds, even if it does not do so at the outset; and consequently that the Government will thereby interfere in the policies of the schools. Certainly this danger exists to the sectarian schools, which may receive their support in whole or in part from the Government, just as would be true in the case of public schools supported by the States and receiving in whole or in part their moneys from the State governments.

I said that from the standpoint of the public there are at least three grounds upon which the support of sectarian schools by governmental funds is objectionable. I mentioned but two. The third ground applies both to the public and to the religious groups, namely, that such use of public moneys is objectionable because it tends, and strongly tends, to strike down what Thomas Jefferson termed the "wall of separation between church and state."

Mr. President, in considering whether harmful effects accrue to both the public and the religious groups from such use of public funds for the support of sectarian schools, it is not amiss to note a portion of the opinion of the minority, four members out of nine of the Supreme Court of the United States, in Everson against the Board of Education. The minority called attention to the views of Madison and his coworkers in opposition to the imposition of a tax for religion. Mr. Justice Rutledge, speaking for the minority of four out of nine Justices, said:

Not the amount but "the principle of assessment was wrong." And the principle was as much—

Said he—

to prevent "the interference of law in religion" as to restrain religious intervention in political matters.

In other words, Mr. President, the distinguished Justice, speaking for himself and three other members of the Supreme Court, was pointing out the danger of interposition by the Government in religious affairs, a danger which inheres on the one hand to the Government and on the other hand to the religious institutions themselves.

I recalled a day or two ago the further observation quoted in at least two decisions by the Supreme Court of the United States. In one of those decisions the majority of the Court, in the Everson case, spoke and set forth with approval, as I construe the language of the decision, an observation of a South Carolina court, as follows:

The structure of our Government has, for the preservation of civil liberty, rescued the temporal institutions from religious interference. On the other hand, it has secured religious liberty from the invasions of civil authority.

I pointed out on Monday in much greater detail than I shall this afternoon, the fact that the people of our Nation, generally speaking, have recognized indisputably the importance of prohibiting or at least restricting the use of public funds for sectarian-school purposes. I set forth in some detail the various constitutional provisions, which as I recall are contained in the constitutions of 46 of the 48 States of the Union, and which refer to prohibitions either in whole or in part in these various States of the use of public funds for sectarian schools.

I referred a little while ago to the National Education Association which, as I understand, is supporting Senate bill 472. I dare say, Mr. President, from a reading of the research bulletin issued by that organization in February 1946, that organization, unless it has changed its mind completely in the intervening 2 years, would not be at all disappointed if there should be a prohibition in this Federal act against the use of Federal funds for sectarian schools. In this particular bulletin which I hold in my hand, issued by that organization, it is pointed out that—

An appropriation of any—

The word "any" is italicized—

public-school funds to a sectarian school would be unconstitutional in most States and such an appropriation could not be made from certain—

The word "certain" is italicized—

funds in any State.

So, Mr. President, obviously the people of our country, by their various constitutional provisions, three of which have been adopted by the people of three sep-

arate States, of which my own State is one—within the years since 1944 my own State, I think, has substantially readopted the language which had prevailed in Missouri since 1875—have recognized the importance of prohibiting, or restricting, at any rate, the use of public funds for sectarian-school purposes.

It will be recalled, Mr. President, that I quoted rather extensively from a book by Professor Cubberley, who is professor and dean emeritus of the School of Education, Leland Stanford University. He pointed out, as will doubtless be recalled, the following significant facts, saying:

In 1875 President Grant, in his message to Congress, urged the submission of an amendment to the Federal Constitution making it the duty of the States to support free public schools, free from religious teaching, and forbidding the diversion of school funds to church or sectarian purposes.

Continuing, said Professor Cubberley:

In the latter message he—

That is to say, President Grant—

renewed the recommendation, but Congress took no action because it considered such action unnecessary.

Then Professor Cubberley proceeds with these significant facts:

That the people had thoroughly decided that the school funds must be kept intact and the system of free public schools preserved may be inferred from the fact that no State admitted to the Union after 1858, excepting West Virginia, failed to insert such a provision in its first State constitution.

I pause, Mr. President, to state that Professor Cubberley's book from which I quote was issued in 1934. Then he proceeds as follows:

Hence the question may be regarded as a settled one in our American States. Our people mean to keep the public-school system united as one State school system, while ralizing that any attempt to divide the schools among the different religious denominations (the World Almanac for 1930 lists 79 different denominations and 160 different sects in the United States) could only lead to inefficiency and educational chaos.

So, Mr. President, we find existing the situation which I have described.

I presented a few days ago for the record the entire foreword from the National Education Association's booklet of February 1946. I shall not quote from it, by any means, in extenso, but there are a few words in the foreword which I should like to quote. It it signed by Dr. Willard E. Givens, who was then and still is, I think, the executive secretary of the National Education Association, and I know he is high in the ranks of the association. He said:

They—

He is referring to the people in each State—

have insisted that the money appropriated for public education shall not be spent for private or church schools, no matter how socially worthy. Many State legislatures and courts have repeatedly set forth these traditional American principles.

Then he says:

It would be misleading, however, to assume that such American principles sprang into being all at one time. The standard that public funds should not be used to support any religion has been repeated again and again in State constitutions. But it has taken detailed legislation and court decisions to clarify the specific application of the general principle to time, place, and conditions. Furthermore, widespread as have been the restrictions against diverting public moneys to religious purposes, the principle continues—

And I call attention to this—

continues to be challenged from time to time.

Later in the foreword Dr. Givens said:

In seeking to restrain the use of public-school funds, educators do not oppose the sectarian-school movement. Those who wish to support such schools in our country can do so without restriction. They meet opposition, however, when they maintain that all citizens of a State should be taxed to support any type of sectarian education. Such efforts to direct public funds to sectarian schools weaken the financial support of public education which in many States is not adequate to provide acceptable public educational opportunities.

Mr. President, I think that by reference to my remarks of last Monday those of the Senators who have had the opportunity and time to examine them and have done so have learned far more than it is necessary for me now to put into the RECORD with respect to the expressions by public officials and Government officials of their views upon this fundamental question of the support of sectarian schools by public funds. I shall trespass but a very few moments more in this phase of my presentation.

I hold in my hand a document which I also had on Monday, which is issued by the President's Commission on Higher Education for American Democracy. As I mentioned on Monday, it would seem to me that if any safeguards should be thrown around legislation to prevent the use of Federal funds for sectarian education, there is more reason that they should be thrown around secondary and elementary education, such as is covered by this bill, than in the case of higher education. What do we find? We find this holding in the report issued by a distinguished group of men and one lady, I believe. There were 28 distinguished citizens of our Nation with but two dissenting. There is some question in my mind from some of the evidence as to whether all 26 voted, or whether only 14 or 15 voted, but certainly only two of the 28 members expressed a dissent. What did they hold? They held, in language so plain that it needs no emphasis and no addition to make its meaning crystal clear, as follows, and it is printed in heavy, black type:

Federal funds for the general support of current educational activities and for general capital outlay purposes should be appropriated for use only in institutions under public control.

The report, Mr. President, was handed down in December of last year, approximately 3 or 4 months ago.

In the course of the discussion on Monday the name of a very distinguished citizen of our country was referred to by me. I speak of Bishop Oxnam, of the Methodist Church. He was one of the 28 members of the President's Commission to which I have referred. I introduced into the RECORD a letter dated January 28, 1948, to Dr. Givens, of the National Education Association, from Dr. Oxnam. I was unable to find, or did not find, at any rate, a letter dated February 17 from Dr. Oxnam to Dr. Givens. I have subsequently been furnished, at my request, with a copy of the letter of February 17.

Now, Mr. President, I present for the RECORD a copy of a letter from Bishop Oxnam addressed to Dr. Willard E. Givens, executive secretary, National Education Association, 1201 Sixteenth Street NW., Washington, D. C.

I wish to be entirely frank with respect to this letter. I have called Dr. Givens on the telephone, and he tells me that he did not receive the letter. He made search for it, or caused search to be made, and I called him back again this morning to ascertain whether he had been successful in the search, but he had not. He is of opinion that the letter did not arrive at his office. Indeed, I may say he would make that as a positive statement of fact. I telephoned this morning, however, to Bishop Oxnam himself, in New York City, and I was assured by Bishop Oxnam that there is no question about the letter having been written and sent. He turned from the telephone, and I could hear him talk to some individual in his office, and when he returned again to the transmitter he assured me, in substance, that there was no question with respect to the letter having been sent. Regardless of whether the letter arrived or not at Dr. Givens' office, Dr. Oxnam this morning assured me that it expresses his views, and that I have liberty to insert the letter in the proceedings of the Senate.

With the permission of the Senate, Mr. President, I shall read the body of this letter addressed to Dr. Givens by Bishop Oxnam. It reads:

At a meeting of the executive committee of Protestants and Other Americans United for the Separation of Church and State, Miss Williams, representing the NEA—

I digress to express the presumption that "NEA" means National Education Association—

Miss Williams, representing the NEA, stated, if I understood her correctly, that you and the others of the NEA were really opposed to that section of the Federal-aid bill which grants to the States the right to distribute these funds among sectarian and private institutions if their constitutions so allow. The consensus of our group was that we should take steps to secure an amendment to the Taft bill by striking out this provision. Such an effort is strictly in accord with the position taken in my letter of January 28. In the light of Miss Williams' statement and my own desire that such sections of the bill be stricken out, I made a motion that our organization seek to secure this amendment. I am sending you this word so that there may be no misunderstanding and no conflict in this matter. As I stated in my letter, I have been supporting the Taft bill. I see nothing out of the way in seeking an amendment to

that bill to bring it into harmony with the principle which I have stated in my letter and to many others. I had been led to believe that the NEA thought the bill could not pass unless this section were in it, and therefore supported the bill. Upon learning that the judgment of the NEA was that this section should not have been in it, I felt free to put our organization on record as calling for the necessary amendment.

Ever sincerely yours,

G. BROMLEY OXNAM.

Mr. President, I have in my hand a booklet issued by the Federal Council of the Churches of Christ in America. I might quote quite freely from the booklet, but I shall quote very briefly. At the top of page 3, after an earlier portion of the sentence which urges such appropriations, that is to say, appropriations of sufficient Federal funds in subsidy to prevent a lowering of standards in the teaching profession, and so forth, the writer of this article says:

> We urge such appropriations on condition * * * (c) that Federal funds shall be used only for such schools as the constitutions or statutes of the several States make eligible for State support.

I take it that that statement is in harmony with the views of the proponents of the pending bill.

I call attention to this language in the same booklet, at page 21:

> But in connection with the current proposal to grant Federal aid, it is now insisted in some quarters that a general policy be established of including aid to parochial schools. If this were to be done, we should not only depart from the traditional American policy that public funds should not be given for sectarian purposes but we should also impair our public schools and our democratic community life. To provide Federal funds for parochial schools would be to encourage segregated educational systems and thereby threaten our democracy by fragmentizing our culture.

Again, Mr. President, in the same booklet is set forth a quotation from Bishop Oxnam, which reads as follows:

> Public support for parochial schools would divide the community into sectarian educational systems and destroy the unity essential as democracy faces the totalitarian threat of freedom.
>
> If parents have the natural right to determine the education of their children, a privilege this Nation gladly gives, it follows that parents who refuse the benefits of these splendid educational opportunities * * * should pay for such private education as they insist upon.
>
> Otherwise, the Communist father and mother who may demand a Marxian education for their children may also call for private schools and logically ask for public support. Public funds should be used for public education.

Mr. President, I shall not trespass upon the time of the Senate to present again the various documents which set forth very fully the views of numerous organizations of a religious nature—the American Unitarian Association; the Baptist Association, meeting, as it did, in St. Louis; the expression in the Christian Century; the expression of the National Committee of the League Opposed to Sectarian Appropriations, which, as I recall, expressed itself as containing a membership in excess of 8,000,000 citizens, and whose proposed constitutional amendment to prohibit all sectarian appropriations has been unanimously endorsed by other organizations whose total membership is more than 20,000,000. As I have said, I shall not take the time of the Senate to repeat these various documentations which appear in the RECORD of the 29th of this month.

Mr. President, I have pointed out already that Senate bill 472, the bill now before the Senate, does not prohibit the use of Federal funds by either sectarian or private schools. I have pointed out already that what it does is to set forth what the lawyers would call nothing more nor less than a legal conclusion, a conclusion from which one reader may derive one inference and from which another reader may derive another inference. By that statement I do not mean that there has been any conscious or unconscious attempt to mislead readers, but when we are told in section 6, as it is now written, that these moneys may be used "for elementary or secondary school purposes for which educational revenues derived from State or local sources may legally and constitutionally be expended in such State," I undertake to say, and do say, that in order to determine what expenditures are legally and constitutionally permitted in the various States litigation may be necessary in State after State. I undertake to say that there is no small probability of that very result occurring.

Mr. President, I have indicated already that the distinguished Senator from Ohio is of the opinion, and has so stated, and I quote him again:

> That so far as the parochial schools are concerned, the recent decisions of the Supreme Court make it almost impossible for any State to give aid to any parochial schools except possibly for bus transportation.

Thus the argument in behalf of Senate bill 472 is in substance that, regardless of the so-called home-rule provisions of the bill, from which we would naturally understand that each State would have the right to determine for itself, recent decisions of the Supreme Court will make it almost impossible for the States, and therefore, under the language of the bill, for the Federal Government, to give aid to the sectarian schools except possibly for bus transportation.

Mr. President, if it be true that under the Supreme Court's recent decisions nothing substantial can be done for sectarian schools with Federal funds, how can there be any possible objection to inserting in the bill itself a specific, definite, clear, nonmisunderstandable provision prohibiting such use of those funds? If the proponents of the bill think that the decisions of the Supreme Court make it impossible, or almost impossible, that nothing except some minor matters can be done for sectarian schools with Federal funds, why not so state in the bill, so that there can be no possible misunderstanding as to what Congress is doing?

Mr. President, I pointed out on Monday of this week that the recent decisions of the Supreme Court, the Everson case, and the McCollum case, which the Senator from Ohio caused to be printed in the RECORD, have not, in my opinion, made it either impossible, or "almost" impossible, for any State to give aid to sectarian schools, except possibly for bus transportation. To my mind, while it is true that certainly the language in each of those decisions may be used in support of the argument that nothing can be done for the various sectarian institutions, and it is possible, of course, that the court may later on use those statements in support of a decision to that effect, the fact is that neither of those decisions establishes the proposition that funds cannot be given by the States or by the Federal Government to sectarian schools. The reason why that follows, why it is not being so held, is that in neither of those cases was there presented to the court facts which involved the question as to whether funds coming from State or Federal Government may be used for sectarian schools. I shall not go into detail with respect to the facts of those two cases, but obviously the statement which I have made is correct.

Mr. President, I pointed out the other day that I am not alone in the opinion that the decisions of the Supreme Court fail to conclude this matter. I am not alone in that opinion at all. I pointed out that about 2⅔ months after the decision of the Supreme Court in the Everson case Representative JOSEPH BRYSON, of South Carolina, in the House of Representatives, introduced a proposed constitutional amendment to make certain the fact that these funds could not be used in this manner, and certainly no such amendment would have been necessary had the decision in the Everson case decided the legal proposition.

I pointed out in some further detail the fact that the McCollum case, which is based upon a situation in which public schools were being used with their compulsory-attendance provisions to have children brought under the influence of religious teaching, obviously is not an authority remotely upon the proposition as to whether the State itself or the Federal Government itself may take money out of its pocket and give to some sectarian school. It is not remotely within the realm of the question which is presented here today as to whether or not the use of such funds for sectarian schools would be valid.

Mr. President, I expressed the view, and I repeat it, that if Senate bill 472 shall be enacted with the provisions of section 6 contained therein, as presently written, every one of the 48 States will follow the bill as written, and in those States in which State moneys may be used for sectarian schools, we shall find that the Federal funds will likewise be used for the sectarian schools until the Supreme Court of the United States in some other new case hereafter originated perhaps from the specific State in which the situation arises, shall have held to the contrary.

So, Mr. President, I reiterate the proposition that if it be true, as has been asserted by the distinguished Senator from Ohio it is his view, that but little substantial assistance can be given by these funds to parochial schools, why not say so in the bill, instead of leaving the matter to future litigation from the respective 48 States of the Union?

The illustration was used the other day by the distinguished Senator from Ohio of reclamation appropriations. He said in substance that the State in which he lives does not need reclamation, and that my argument, as I have again outlined it here this afternoon, would be answered by the fact that it would not be permissible for the State of Ohio to say to the Federal Government, "You shall not have taxes for reclamation purposes because Ohio does not need money for reclamation."

The situation is this: The State in which I live, for illustration, does not prohibit, any more than Ohio does money going to reclamation as a matter of constitutional principle. I dare say neither the constitution of the State of Ohio nor that of the State of Missouri contains any prohibition against money going to reclamation. There is no need in Ohio, and no need in Missouri, perhaps, for reclamation, and therefore in using money which may be derived from Ohio or Missouri for reclamation in other States, the Federal Government is not doing something which is contrary to a constitutional principle of my State. I take it that the example of the reclamation law is entirely beside the point, and has no applicability whatsoever to the situation now confronting us.

Mr. President, I shall not go further into the arguments which have been presented in opposition to the amendment. I submit, first, that from a standpoint of wise public policy it is important that we, as the guardians of the Federal funds, should not permit such funds to be used for sectarian school purposes; purposes for which the great majority of the States of our Union have determined that their own specific tax-raised moneys shall not be used.

Let us look at the matter of home-rule for an instant. I may choose, perhaps, to live in a State in which no State taxes are permitted to go to sectarian schools. If Senate bill 472 shall pass as it is now written, the Federal Government will collect money from me, send it to Washington, and then when it gets to Washington distribute it in all the States, some of which may use it for sectarian schools. Therefore, Mr. President, although I have chosen to live in a State in which no State taxes go to sectarian schools, and none of my money can go by operation of taxation to sectarian schools, yet through the process of the passage of Senate bill 472 some of my money, after going to Washington, will be distributed to other States and used for sectarian schools. I submit that it is a unique type of home rule which deprives me, a resident of the State of Missouri, in which State I cannot be compelled to permit any of my money by taxation to go to sectarian schools, of such protection so far as the Federal Government is concerned when, through the Federal process, some of that money will go to other States than that in which I live, to support sectarian schools.

Mr. President, I have pointed out the fact that from the standpoint of public policy it is wise and proper that there should be such a prohibition as is incorporated in my amendment. The other day the junior Senator from Kentucky [Mr. COOPER] made an inquiry of me, to which I made a response. I should like, near the conclusion of my remarks today, to refer back to that particular portion of the colloquy between him and myself. He said:

> In listening to the Senator's argument, the question arose in my mind as to whether the Senator's amendment is advanced as a matter of policy or to support the first amendment of the Constitution, which is made applicable to the States by the fourteenth amendment.

In response, I made this statement:

> Mr. DONNELL. Mr. President, that is a very proper question, and I am glad the Senator from Kentucky has asked it.
>
> I would say that I am submitting the amendment as a matter of sound public policy. If, as a matter of fact, the first amendment of the Constitution prohibits the use of all Federal funds for any sectarian schools, there will not be need for this amendment, save only as a guidepost to which we can look in determining what the congressional desire was. In other words, if the first amendment itself had said that no Federal money shall be used for sectarian schools, or if that is unquestionably what it means, then I do not see that there would be any special need for any amendment to this bill.

I should like to supplement that statement to this effect: In my judgment it is entirely possible—yes, I should say it is more than possible; it is probable, though by no means certain—that ultimately it will be determined by the Supreme Court of the United States, as the result of protracted litigation coming from some of the States of the Union, that the use of Federal funds for sectarian schools is violative of the Constitution. However, that point has not yet been determined, and there is no way of any Member of the Senate knowing, until the Supreme Court shall have passed upon a state of facts before it, whether or not that will be the decision.

On further consideration of the question propounded by the junior Senator from Kentucky, I should like to say this: Even if we were today, this very minute, certain that under previous decisions of the Supreme Court none of these funds could be constitutionally used for sectarian or private schools, I would say today, after the consideration of the past 2 days, that it would still be advisable to adopt this amendment. Why do I say so? I say so for the following reasons:

First, because the language in lines 12, 13, and 14 of section 6 is susceptible of the construction that the term "legally and constitutionally" as therein used means legally and constitutionally under the Constitution and statutes of such State. Persuasive in favor of this construction would be the language of the senior Senator from Ohio himself, at page 3357 of the CONGRESSIONAL RECORD, where he said:

> That section refers very briefly to private schools, or parochial schools. If a State, as part of its educational system, chooses to distribute money to private schools in the conduct of its educational system, then Federal funds may be used in the same way. If a State refuses to do so, the Federal funds cannot be used in that way. In other words, it is an absolutely home-rule provision.

So I say that in my opinion the language which I move to strike, in those three lines of the bill, is susceptible, particularly in view of the statement of the proponent of the bill, of the construction that the term "legally and constitutionally" as therein used means "legally and constitutionally under the constitution and statutes of such State."

In the second place, I submit that it would be advisable to adopt this amendment even if it were certain that under previous decisions of the Supreme Court none of these funds could be constitutionally used for sectarian or private schools, for a second reason. The second reason is that, whether the word "constitutionally" refers to State or Federal Constitution, or both, the language in those three lines of section 6 is only a legal conclusion, from which one person may draw one conclusion and another may draw another.

Furthermore, it would be advisable to place in the bill the amendment which I propose because the present language of the bill leaves us in doubt as to what is meant. It is wise to make a definite statement, so that all may understand what is meant. Finally, it is sound public policy, regardless of whether the constitutional provision may ultimately be determined to prohibit such use for Congress to declare itself affirmatively, clearly, convincingly, and unmistakably opposed to the use of public funds for sectarian and private schools.

EXHIBIT A

FEDERAL ASSISTANCE TO THE STATES IN MORE ADEQUATELY FINANCING PUBLIC EDUCATION

Mr. Taft (for himself, Mr. Walsh, Mr. Ball, and Mr. Wherry), from the Committee on Education and Labor, submitted the following minority views (to accompany S. 637):

"We cannot give our support to the bill (S. 637) 'to authorize the appropriation of funds to assist the States and Territories in more adequately financing their systems of public education during emergency, and in reducing the inequalities of educational opportunities through public elementary and secondary schools,' which has been reported by the Committee on Education and Labor, and we are submitting this statement of our views as to this legislation and of the reasons why, in our judgment, it is both unwise and inexpedient for it to pass.

"ANALYSIS OF THE BILL

"The current bill differs in some important respects from the bills which have been presented in previous sessions of the Senate, but which have never been given consideration by the Senate. It contains two parts, based on fundamentally different grounds.

"First, it proposes an annual appropriation of $200,000,000 to be divided between all of the States in proportion to the average daily attendance of pupils in the elementary and secondary schools in each State. This money is to be used only for the payment of teachers' salaries. It is provided that the sum so used must be additional to any sum spent by the State for such purposes in 1942, and that the State must continue to pay out of its own funds the average annual salaries which it paid on February 1, 1943. This appropriation has no relation to equalization of educational opportunities, nor to the special conditions which may exist in any of the poorer States. While apparently only a relief measure, and stated to be for emergency purposes, there is no time limit on the authorization.

"The other portion of the bill appropriates $100,000,000 to be used for equalizing the amounts spent for education in the various States. This means, of course, a distribution to those States which have the lowest

per capita income according to a certain formula established in the bill. It results in $58,000,000 of the $100,000,000 being paid to 13 States. The justification for this appropriation is based on the fact that, taking the country as a whole, existing educational opportunities and facilities are variable and unequal, and deficient in many particulars, due to a variety of causes, one of which without doubt is an insufficiency of funds; in other cases, indifference or neglect or poor economic conditions, or refusal by local communities to increase the tax burdens to the levy paid by other communities. No one who is open-minded and acquainted with the facts will dispute these premises. No one will deny that even though educational opportunities in the United States today are greater, and educational facilities are better, and our entire system of education more democratic, than anywhere else in the world, nevertheless there is much room for further improvement. There is some doubt, however, whether money alone will accomplish the betterment that is needed, or whether equalization is in any way accomplished by the provisions of the bill which is offered to the Senate.

"EDUCATION IS NOT A FEDERAL FUNCTION

"Taking both parts of this bill together, it is a proposal to establish a Federal subsidy for common-school and high-school education, a function of the State governments and local governments for the last 150 years. There can be no doubt that common-school and high-school education is the obligation of the States and their local subdivisions under our constitutional system and that it is not an obligation of the Federal Government. There is nothing whatever in the Constitution which delegates to the Federal Government power to deal with questions of education. All authority for a Federal subsidy of education must be based upon the spending power, which is sufficiently broad to give a legal basis for the current bill, as for other subsidies to local government.

"However, Federal subsidies to the States for matters which are clearly not within the jurisdiction of the Federal Government are certainly only justified on the ground that the States are unable to finance adequately the activities which are constitutionally assigned to them. It is undoubtedly true that the taxing power of the States are somewhat limited, and that under some conditions the Federal Government may be in a better position to raise money where it should be raised than the States themselves. It was on this ground that the Federal Government went so extensively into the financing of relief in the great emergency of 1932. Here was a tremendous new expenditure for which no provision was made in the State systems of finance, calling for a very large sum which the States were wholly unable to raise. But as the emergency declined, the Federal Government has gradually withdrawn its aid, and relief today is again administered by the States.

"The same conditions do not at all apply to education. The States have always financed education. In nearly every State it has been given a prior consideration in dividing the funds which are available. One-third of all State and local taxes are spent for education. If the States and localities can't finance education, they can't finance any State or local activities. In many other States, school boards are independent of cities, towns, and counties, and answerable directly to the people. In Ohio and elsewhere the people of each community are authorized to vote additional tax levies on themselves for schools if they feel that more money is needed for good educational facilities. There is complete home rule in the field of education, and that is what the people want. A curious result of this bill would be to grant additional money to many public schools in such a State as Ohio, when often the people of the community have decided that the schools don't need any more money and have refused to vote extra levies for that purpose.

"STATES ARE IN BETTER CONDITION THAN FEDERAL GOVERNMENT

"There is no real evidence today that the States are unable to finance their own educational system, certainly the many large States in industrial areas which are to receive money out of the $200,000,000 relief fund. We quote from the report made by the senior Senator from Wyoming on Tuesday, October 12, to the George postwar planning committee:

" 'While the national credit has been under great strain, the fiscal position of the States seems to be improving. The total debt of all of the several States of the Union as of June 30, 1943, was $2,989,000,000. Against this may be charged the growing budget surplus in the States. At the beginning of this year this amounted to $700,000,000, and it is now estimated by officials of the Census Bureau at about $1,000,000,000. The sinking funds of the States on general obligations total $430,000,000 as of June 1943, so that making allowances for the surplus and the sinking funds, the debts of the States amount to a little over $1,000,000,000 as compared with the national debt of $146,000,000,000. * * * I have not had an opportunity to examine the fiscal position of cities and other local subdivisions, but it appears that all of the cities in the United States with a population of 100,000 or more at this moment have an unused debt capacity amounting to $750,000,000. These figures immediately suggest the advisability of an inquiry into the ability of the States and of the cities to carry part of the burden of public responsibility in the postwar world.'

"The Senator goes on to point out that many States are setting up postwar funds out of their surplus. The Senator's figures are fully supported by the bulletins of the Bureau of the Census issued from time to time dealing with State finances.

"It hardly seems that the States are in a position to demand relief from the Federal Government. As a matter of fact, they are not demanding relief. No State has come before us affirming its inability to deal with the educational problem. No legislature has passed any resolutions requesting assistance. The entire proposal is placed before us by representatives of the teachers and other educational interests, who may or may not have exhausted their remedies within the States. How ridiculous it would be for these States, operating with surpluses, to ask for relief from a government which is running a deficit of $60,000,000,000 a year. As far as we can see, there is not the slightest justification for treating the present condition as an emergency which requires Federal financial assistance.

"THIS SUBSIDY WOULD BE A NONWAR ACTIVITY

"This Congress has taken the position that all expenditures for nonwar purposes should be eliminated unless they are absolutely necessary, and that our whole attention should be devoted to the prosecution of the war. On that policy we have eliminated the Civilian Conservation Corps, the Work Projects Administration, the National Youth Administration, and many other nonwar activities. It is hard to see how any slight improvement in the educational system could be accomplished in time to have any noticeable effect in the present war. Of course every activity of the Government, if it is of any value at all, has some remote relation to the morale of the people and to the prosecution of the war, but certainly the education of minor children is as far from the war as any other civilian department of the Government.

"THIS IS THE START OF A REVOLUTIONARY POLICY WHICH MAY COST $4,000,000,000

"Apart from the nonexistent emergency feature, the Federal subsidy project has been before Congress for a number of years, promoted by the National Education Association and the Federal Office of Education, but not by the States themselves. Previous bills have been based entirely on the principle of equalization, and have all been based on the argument that because some States spend much less money per pupil than others, the way to improve education is to subsidize those States.

"The whole project is based on the assumption that the more money is spent on education, the better the education is. This conclusion is perhaps open to question. Startling ignorance regarding American history, which was discussed in the Senate last spring, certainly could not arise from lack of financial resources. It appeared among students from all over the United States, and in many instances from students who came from those States which spend the most money on education. Undoubtedly education in some States is handicapped by lack of funds, but there are other ways in which American education can be improved besides granting Federal subsidies.

"The adoption of the present bill would undoubtedly embark the Federal Government in a gradually increasing expenditure from which it would never be relieved. If we once pay from two hundred to three hundred dollars of the salary of every school teacher in the country, how can we possibly ever withdraw that support? Even if the States become richer, they will never be willing to take over this burden. Having yielded once to a very strong pressure, there will be no way in which to prevent a further yielding.

"The desires of the educators are almost without limit. The whole question of Federal aid to education is discussed in the report of the National Resources Planning Board for 1943, on page 68. That report takes the position that 'the Nation is now spending less than 50 percent of the amount needed to provide a justifiable minimum educational program.' Current expenditures and capital outlay for education in the United States are shown to be approximately $3,200,000,000. The 'justifiable minimum annual expenditures in the postwar period' are said to be $7,385,000,000. The report then says:

" 'During the years immediately following the war it does not appear probable that the total revenue available for education from State and local systems combined can be greatly increased. * * * It is therefore evident that most of the increase in expenditures for education in the postwar period must be financed almost, if not entirely, by Federal funds. * * * The only agency that can remedy the inequality among the States in the tax burden for education is the Federal Government. It should accept this role.'

"This report was written by Dr. Floyd W. Reeves, who is also chairman of the Advisory Committee on Education, closely allied with the National Education Association and the original promoter of subsidy legislation. We see, therefore, that the real program of which this is the beginning calls for the Federal Government to finance the greater part of $4,000,000,000 a year.

"This proposal is, in fact, the beginning of a revolutionary change in one of our most fundamental Government activities. It should not be considered except in relation to the entire postwar activities of the Federal Government.

"WE SHOULD NOT NOW COMMIT THE FEDERAL GOVERNMENT TO ANY NEW TYPE OF EXPENSE

"The Federal Government faces after the war a tremendously serious financial problem.

The annual charge for interest alone will amount to $5,000,000,000. At least $5,000,000,000 will be necessary for the armed forces. At least $5,000,000,000 will be required for existing services, with some moderate increase in expenditures for social-security purposes. Many other new items of expense will be clamoring for consideration. We do not know where the point is, but there is a point at which the burden of government will become so great that it will choke all incentive, initiative, and enterprise. At some point we can kill the goose that lays the golden egg, and force the entire country into a socialistic strait-jacket. It seems most unwise to commit ourselves now to any policy which will increase the difficulty of the post-war problem. If expenditures for education are to be undertaken, they should be undertaken when we have the whole problem before us, and can consider the relative merits of each proposal in relation to the over-all expense.

"FEDERAL SUBSIDY WOULD DESTROY LOCAL SELF-GOVERNMENT IN EDUCATION

"There is an even more important question. Can Federal subsidies to the public-school system be maintained without ultimately bringing about a nationalization of our educational facilities and federalized bureaucratic control? This is an eventuality which the proponents of the present bill insist is not intended and which they maintain can be avoided. They contend that by the provisions of section 1 the danger is removed. We seriously question this conclusion. We believe that in the complexity of reports, of plans, of State legislation to conform to Federal policies, of counsel and advice and joint participation of the Federal Government and the States, and all of the other manifold details of the operation of the contemplated program of Federal subsidies, our public-school systems would be gradually, but no less inevitably, drawn more and more under the thumb of a Federal bureaucracy.

"We have pointed out that the ultimate plans call for the Federal Government assuming perhaps half the cost of education. Our experience with the social-security laws and many others lead to the definite conclusion that Federal subsidy in the end means Federal control. Those who put up the money and have the power to refuse it dictate the policies of the local officials. Federal bureaucrats travel the country, checking upon the expenditures and the policies of every school board and other local officials. Of course, the very provisions of the act itself contradict in some respects the pious declaration of section 1 against any Federal officer controlling the administration of State schools. Under the provisions of this bill, schools would be unable to decrease their teachers' salaries or their current expenditures for schools, whether those expenditures had been extravagant in the past or not. Under the provisions of this bill, every cent of the $200,000,000 must be spent for teachers' salaries, and not for any other necessary school purposes. Under the provisions of this bill, a new system of reports must be set up from all local schools to a State educational authority. These provisions may not require substantial changes in school administration, but they illustrate the principle that it is impossible to give Federal money without controlling to some extent the expenditure of that money and the administration of the schools which spend it. If the amount is increased, it is inevitable that Congress and the Federal authorities will insist upon the natural right to state the conditions of administration on which Federal funds are provided.

"Of course, the same thing is true of all Federal-aid programs, but the effect is much worse in the case of education. It is unnecessary to expand on the tremendous danger of centralized control of education, because the authors of the bill agreed to those dangers when they wrote section 1. Centralized control of education gives a power to the central government far beyond that of any other control, as Hitler has illustrated in Germany. It places the whole character and knowledge of the people in the hands of a Federal bureau. That bureau is more than likely to be guided by some small group of men who believe in this method of education or that method of education. It transfers the control from the people of each district to a man or men wholly beyond the control of public opinion.

"The people don't want it. There is no matter upon which they are more insistent than local control of education. There has been difficulty in centralizing schools even on a township basis, because the people of each district want to run their own schools. We feel that the bill before us would be the beginning of the end of local self-government in education.

"THIS BILL DOES NOT EQUALIZE

"The strongest argument for the bill is that we must equalize educational opportunity throughout the United States by providing substantially the same amount of money for the education of each child. We have pointed out that money is only one of the factors in education. A $40 education in some places may be much better than a $60 education in another. But beyond that, this bill does not equalize. Some of the greatest discrepancies occur within a particular State. Some school districts may be very wealthy, where others may be very poor. State equalization does not exist in many States, and there is nothing in this bill to compel it. Within single States there may be wide differences in the money expended on children of different races.

"Thus on page 19 of the hearings before the Committee on Education and Labor, we find that in Louisiana the cost per white pupil is $61.21, whereas the cost per Negro pupil is $12.62. Nothing in this act requires any equalization between white and Negro pupils. It is true that the bill requires the Federal funds to be distributed on an equitable basis between white schools and Negro schools, but it does not change the distribution of Louisiana funds. The result, as shown in the hearings under this bill, would be that white students would be educated at an expense of $76.40 apiece as compared to $23.61 per Negro student. The difference would be $52.79 after the passage of the bill, as compared to $48.59 today.

"The bill, therefore, does not do the very thing which it is supposed to do. Equalization, as a matter of fact, cannot be secured except by complete Federal control and direction. Everyone agrees that complete Federal control and direction are worse than the inequality which now exists. It may be fairly argued that if the States and local communities are to be left alone to run their schools as they see fit, and to spend Federal moneys for school subsidies as they see fit, such an arrangement is indefensible from the standpoint of the Federal Government and the taxpayers generally. Congress ought not to give away Federal funds to the States, with no Federal control over the spending of the funds. If on the other hand, the Federal Government is to retain control over the expenditures and to dictate them, then it means Federal control of education—an alternative equally obnoxious. There is no middle ground.

"Since the bill proposed does not in fact equalize, it is nothing except a subsidy for the increase of teachers' salaries. Such a subsidy is wholly unjustified when the States are better off financially than the Federal Government. We may admit that many teachers are underpaid, but there may be many who are not underpaid. This bill proposes to increase the salary of every teacher. Certainly Congress is not in a position to judge of the correctness of such a policy.

"CONCLUSION

"We do not subscribe to the doctrine that because our public schools and our educational facilities are a vital element in our national welfare, they thereby become the proper concern and implied responsibility of the National Government.

"Our schools are one of the few remaining bulwarks of local self-government and community enterprise. They should so remain. They have on the whole been well managed and generously supported. We have today too much centralization of control over the affairs of our citizens in a Federal bureaucracy. We should not add to it by this new excursion into the field of education."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. DONNELL].

Mr. DONNELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, before a vote is taken on this amendment I wish again to protest as vigorously as possible against the adoption of the amendment offered by the Senator from Missouri. The committee has done the very best that I think any human minds can do to safeguard the rights of the States against Federal domination or Federal dictation in the field of education. If there is any better wording to accomplish this purpose than that which is contained in section 2, I do not know what it is. But I do not want to see this section nullified in any way by the adoption of any amendment which undertakes to tell the States how they shall spend any money which may be allocable to them under the provisions of the proposed legislation.

The amendment offered by the Senator from Missouri infringes very much upon the rights of my own State and at least 21 other States of the Union which provide in greater or lesser degree for public assistance to pupils attending private schools. This assistance is provided in the form of transportation to the school, payments of tuition to private schools, or furnishing textbooks to the children in private schools. Each State decides for itself what it shall do in that respect; but I maintain that each State must keep within the constitution of the State and the Constitution of the United States in so doing.

In my own State every town—and the town is the unit of government—is required to furnish a high-school education to all children who desire to attend high school; and most of them do these days. We have only 5 towns in the State of 10,000 population or more. Most of our towns are small. Most of them are poor. They must make every dollar count, whether it is for education or for any other purpose. But so far as education is concerned, we are an old State.

We have scattered throughout our State, in the small towns, numerous small high schools or academies, as they are called. They are financed partly by private funds, by endowment. Some of them are 100 years or more old. The towns in which they are located utilize them as the local high school. They serve the purpose of a high school. The town is required by State law to pay tuition to these academies, which are

located within their boundaries. Thousands of boys and girls have received a high-school education by attending these technically private, but actually public, schools. If it were not for the privilege of attending these schools, many of our children would never get to high school at all. Some of the towns where they are located are many miles from the nearest public high schools.

So, Mr. President, I ask the Senate not to adopt the amendment of the Senator from Missouri, which would have the effect of making it difficult for thousands of our boys and girls to obtain a high-school education. We ask only that we have the right to educate our children in our own way, without any interference or dictation on the part of the Federal Government. When any funds are provided by the Federal Government and are paid to the State, we certainly do not want to have to set up two separate bookkeeping accounts, to keep the expenditures made from the Federal Government funds separate from those made from the State funds.

I believe the amendment is a bad one. As I have said, 22 States already provide some degree of assistance to the children in the private schools. Let us keep our States' rights inviolate. In section 2 of this bill we have done so. I am satisfied that we have done that insofar as it is humanly possible to do so. We have strictly prohibited Federal dictation or domination. So let us continue to do so.

Mr. President, I hope the amendment will be decisively defeated.

Mr. DONNELL. Mr. President, I should like to make it perfectly clear that I am not in opposition at all to the school-lunch bill or anything of that sort. I would be in opposition to inserting any provision of that kind into this bill, because this bill is an educational bill. Its title reads as follows:

To authorize the appropriation of funds to assist the States and Territories in financing a minimum foundation education program of public elementary and secondary schools, and in reducing the inequalities of educational opportunities through public elementary and secondary schools, for the general welfare, and for other purposes.

Mr. President, I voted for the so-called school-lunch bill. Although I think no such provision has any place whatsoever in this bill, which is an educational bill, I wish it distinctly understood that by this amendment I am not in the slightest degree taking a position adverse to an appropriate, proper bill providing for the various services of a health nature or of a lunch nature to the children themselves. Such a situation is entirely different from one in which the Federal Government or the State governments would, by means of the administration of either State or Federal funds, control the educational policies of the schools. I wish to make that clear.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Barkley	Bridges
Baldwin	Brewster	Brooks
Ball	Bricker	Buck
Byrd	Holland	Overton
Cain	Ives	Pepper
Capehart	Jenner	Revercomb
Capper	Johnson, Colo.	Robertson, Va.
Chavez	Johnston, S. C	Robertson, Wyo.
Connally	Kem	Russell
Cooper	Kilgore	Saltonstall
Cordon	Knowland	Smith
Donnell	Langer	Sparkman
Downey	Lodge	Stennis
Dworshak	McCarran	Stewart
Eastland	McCarthy	Taft
Ecton	McClellan	Thomas, Okla.
Ellender	McFarland	Thomas, Utah
Ferguson	McGrath	Thye
Flanders	McKellar	Tobey
Fulbright	McMahon	Umstead
George	Magnuson	Vandenberg
Green	Malone	Watkins
Gurney	Millikin	Wherry
Hatch	Moore	White
Hawkes	Morse	Wiley
Hayden	Myers	Williams
Hickenlooper	O'Conor	Young
Hill	O'Daniel	
Hoey	O'Mahoney	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. DONNELL].

Mr. DONNELL's amendment is as follows:

On page 19, strike out lines 12, 13, and 14 and insert in lieu thereof a colon and thereafter the following: "*Provided*, That no funds appropriated under this act shall be disbursed in any State for the support or benefit of any sectarian or private school."

The PRESIDENT pro tempore. The yeas and nays having been ordered previously, the clerk will call the roll.

The Chief Clerk called the roll.

Mr. WHERRY. I announce that the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Pennsylvania [Mr. MARTIN], and the Senator from Iowa [Mr. WILSON] are unavoidably detained.

The Senator from Nebraska [Mr. BUTLER] is absent by leave of the Senate.

The Senator from Kansas [Mr. REED] is detained on official committee business.

Mr. HILL. I announce that the Senator from Montana [Mr. MURRAY] is absent by leave of the Senate.

The Senator from Idaho [Mr. TAYLOR] is absent on public business.

The Senator from Maryland [Mr. TYDINGS] is absent because of illness.

The Senator from New York [Mr. WAGNER] is necessarily absent.

The Senator from Illinois [Mr. LUCAS] and the Senator from South Carolina [Mr. MAYBANK] are absent on official business.

I announce further that, if present and voting, the Senator from Montana [Mr. MURRAY] and the Senator from New York [Mr. WAGNER] would vote "nay."

The result was announced—yeas 5, nays 80, as follows:

YEAS—5

Donnell	McClellan	Umstead
Johnston, S. C.	O'Daniel	

NAYS—80

Aiken	Chavez	Green
Baldwin	Connally	Gurney
Ball	Cooper	Hatch
Barkley	Cordon	Hawkes
Brewster	Downey	Hayden
Bricker	Dworshak	Hickenlooper
Bridges	Eastland	Hill
Brooks	Ecton	Hoey
Buck	Ellender	Holland
Byrd	Ferguson	Ives
Cain	Flanders	Jenner
Capehart	Fulbright	Johnson, Colo.
Capper	George	Kem
Kilgore	Morse	Stewart
Knowland	Myers	Taft
Langer	O'Conor	Thomas, Okla.
Lodge	O'Mahoney	Thomas, Utah
McCarran	Overton	Thye
McCarthy	Pepper	Tobey
McFarland	Revercomb	Vandenberg
McGrath	Robertson, Va.	Watkins
McKellar	Robertson, Wyo.	Wherry
McMahon	Russell	White
Magnuson	Saltonstall	Wiley
Malone	Smith	Williams
Millikin	Sparkman	Young
Moore	Stennis	

NOT VOTING—11

Bushfield	Maybank	Tydings
Butler	Murray	Wagner
Lucas	Reed	Wilson
Martin	Taylor	

So Mr. DONNELL's amendment was rejected.

Mr. DONNELL. Mr. President, I send to the desk an amendment which has been lying upon the table. I offer it at this time.

The PRESIDING OFFICER. The clerk will read for the information of the Senate the amendment offered by the Senator from Missouri.

The CHIEF CLERK. It is proposed on page 25, immediately following line 21, to insert the following:

SEC. 10. The Secretary of the Treasury is authorized and directed, beginning with the fiscal year ending June 30, 1949, to deposit for each year in a special fund in the Treasury of the United States proceeds of taxes, duties, imposts, or excises in an amount equal to the aggregate of the amounts authorized to be appropriated for such year under this act. Amounts deposited in such fund shall be available for expenditure only pursuant to appropriations made under authority of this act, and no moneys shall be payable on any of said appropriations except from said fund. Any amounts remaining in the fund after the expiration of the period for which such amounts are available for expenditure shall be covered into the general fund of the Treasury.

On page 25, line 23, change the numeral "10" to the numeral "11."

Mr. TAFT. Mr. President, the amendment is acceptable to me. The distinguished Senator from Missouri has presented amendments of this kind in connection with other State-aid bills. It emphasizes the fact that our action is based solely on the general welfare clause, and it therefore arises only out of our power to tax in order to provide for the general welfare. It simply means that the money for this purpose must be taken out of taxes and cannot be taken out of deficits. I am quite willing to accept the amendment. I have already accepted such an amendment to the health bill which was considered in the committee. While I think the amendment is unnecessary, I recognize the argument of the Senator from Missouri, and I can see no possible danger in the provision.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Kentucky.

Mr. BARKLEY. The Senator knows that out of certain revenues derived from duties, imposts, and so forth, we have set apart a certain amount for agricultural purposes. I think it is 30 percent. What effect would this proposed provision have on that?

Mr. TAFT. It would have no effect. The Secretary of the Treasury could take

the money out of income taxes or excise taxes. It does not have any effect, so long as the Government has a surplus.

Mr. BARKLEY. It is not identical with the fund to which I have referred, is it?

Mr. TAFT. No.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from West Virginia.

Mr. KILGORE. Is it based upon the amount credited to a particular State in income-tax payments?

Mr. TAFT. The Secretary of the Treasury is directed to take out of tax receipts the amount appropriated, to be distributed to the States.

Mr. PEPPER. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. PEPPER. Will the Senator state again the technical significance of the amendment?

Mr. TAFT. There is no right on the part of the Federal Government to regulate education set out in the Constitution. That right is left to the States. The State aid contemplated in the pending bill, as in many other cases, rests upon the general-welfare clause of the Constitution, which authorizes the Government to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

It has been held by the courts that that power is subordinate to the power to tax. There is no general power to provide for the general welfare. The power is to levy taxes to provide for the general welfare. Consequently, the Senator from Missouri wishes to make it clear that if we are to provide for the general welfare, under that clause, we must take the money out of the taxes which are levied, connect it up with taxes as provided in the Constitution. The Government cannot simply borrow the money and spend it. I think the point is technically sound. However, I have no doubt of the constitutionality of the bill even if that language be omitted.

Mr. PEPPER. Mr. President, I wish to protest, at least as one Member of the Senate, against the passage of the pending bill upon any such narrow constitutional theory as that. I think it sets a dangerous and bad precedent. If that principle is to be applied to the legislation now proposed, logically, I would assume, an effort would be made to apply it to other legislation, and the first thing we know we will find the power of the Congress to provide for the discharge of its functions constantly curtailed and hemmed in by precedent after precedent.

It seems to me that there is ample authority in more than one section, at least, of the Constitution for the enactment of this legislation, and I see no reason for limiting the authority to any one section or one provision of the Constitution.

Mr. TAFT. Can the Senator cite any other provision of the Constitution?

Mr. PEPPER. Not only might it come under the general-welfare clause, but it could certainly come under what we might call the catch-all provisions of the Constitution.

Mr. TAFT. I do not know of any catch-all provision of the Constitution.

Mr. PEPPER. I refer to the provision in the Constitution which gives Congress the power to do whatever is necessary to carry out the explicit powers conferred upon the Congress by the Constitution.

The Government has many specific obligations, one of which is to provide for the common defense, and certainly I can see nothing more nearly related to the common defense than the strength and intelligence of the citizenry of the country. I do not dissociate the pending proposed legislation from the power of the Congress to aid in supporting public health. I do not see anything in the Constitution which specifically gives Congress power to provide for the public health, but if we had a nation of disabled people, if we had a nation of citizens smitten by disease, we certainly would not have a strong republic. If we had to base the legislation upon the power of the Congress to provide for the common defense as well as for the general welfare, I think we would have the authority under the Constitution to aid the States in providing for a healthy, strong, skilled, and intelligent citizenry.

There are other provisions of the Constitution which I think could properly be called upon to support the authority of the action which is contemplated today. It has been the precedent in the past to appropriate money out of funds in the Treasury not otherwise appropriated, and I see no reason why that principle should not be applicable in the instant case. So far as I can see, it makes no difference whether the funds in the Treasury are derived from an excise tax or from an income tax, or whether they are the proceeds of securities issued by the Treasury to meet the appropriations of the Congress. We appropriate money out of funds in the Treasury not otherwise appropriated, and now especially, it seems to me, since Congress has a new authority, under the Reorganization Act, which it never generally had before, to consider the revenues which may be required in connection with appropriations which may be made, we are still the masters of the purse and of the Public Treasury.

Why do Senators wish to establish the precedent of limiting the funds out of which the expenditures to support this legislation may be made, going through the fiction of having the Secretary of the Treasury assign money to meet such appropriations which theoretically came from current taxes, and not funds otherwise obtained, saying that those funds alone are available for the appropriations to meet the cost of this bill?

Mr. President, it seems to me that, first, we would unduly limit the power of the Congress to act; secondly, we would establish a precedent which would be likely to be embarrassing, if not burdensome to the Congress, in the days ahead of us.

I would much prefer a vote on the amendment, but for myself, at least, I wish to have it distinctly understood that I do not accept this amendment, thinking it contrary to the Constitution and to sound public policy.

Mr. DONNELL. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield to the Senator from Missouri.

Mr. DONNELL. I think the Senator from Ohio is exactly correct in his theory of the bill. The Senate will doubtless recall that on Wednesday of last week I asked the distinguished Senator from Ohio this question.

Mr. DONNELL. Without stating any position with respect to the instant bill, I should like to ask the senior Senator from Ohio where in the Constitution of the United States he finds any authorization for legislation of this type.

Mr. TAFT. The authorization must be found, of course, in my opinion, under the general welfare clause, namely, the right to tax to provide for the general welfare. I agree with the Senator that if he wants to offer a taxing amendment I should be glad to accept it. The general welfare clause provides, in effect, that Congress shall have power to levy taxes to provide for the general welfare. I think the decisions hold that if taxes shall be so levied the money may be so spent. I do not think the Federal Government has any constitutional power to regulate education or to regulate health in the States. I think that if some such amendment comes up later there may be a good constitutional objection, but I believe there is no doubt about the power of the Federal Government to extend State aid in fields in which there is not adequate power for the States themselves to take action.

Mr. President, the Constitution of the United States, to my mind, will be searched in vain for any authority other than the general welfare clause which would authorize and justify the proposed legislation. Section 8, article I of the Constitution, subdivision I, reads:

The Congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

The Senator from Florida referred to what he called the catch-all clause. I have never before heard of a catch-all clause in the Constitution. There is this clause, which possibly is the one to which he refers. The concluding clause of section 8 reads:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. DONNELL. Let me first complete this. It has been distinctly held by the Supreme Court of the United States, in the case of *United States* v. *Butler* (297 U. S.), quoting from page 64, as follows:

The view that the clause—

Referring to the so-called general welfare clause—

The view that the clause grants power to provide for the general welfare, independently of the taxing power, has never been authoritatively accepted.

Mr. Justice Story points out that if it were adopted "it is obvious that under color of

the generality of the words, to 'provide for the common defense and general welfare"—

I interpolate that that is the very language to which the Senator from Florida is referring, "the common defense and general welfare"—

Mr. Justice Story points out that if it were adopted "it is obvious that under color of the generality of the words 'to provide for the common defense and general welfare,' the Government of the United States is, in reality, a Government of general and unlimited powers, notwithstanding the subsequent enumeration of specific powers."

Concluding this paragraph, the opinion in the Butler case says:

The true construction undoubtedly is that the only thing granted is the power to tax for the purpose of providing funds for payment of the Nation's debts and making provision for the general welfare.

Mr. President, we are here discussing something not merely technical, but something fundamental. We are undertaking to say in the particular language which I have suggested by way of amendment, that we shall abide by the so-called general welfare clause; not that we shall, without any limitations whatsoever, relying perhaps upon deficit financing, legislate under color of the general defense clause and general welfare clause, to which the Senator from Florida refers. We are here taking our position under the "general welfare" clause, so-called. I think the very proper recognition with which the distinguished Senator from Ohio instantly responded the other day, that the authorization, and I quote him again—

Must be found, of course—

In his opinion—

under the general welfare clause—

Namely, the right to tax and provide for the general welfare, is indicative of the fact that he is right upon the proposition which he so clearly and without qualification asserted.

I insist, Mr. President, that this is important, both because of the fact that it complies with the Constitution, but also because of the very fundamental fact that it at least sets a precedent against the use of deficit financing, against the use of taxes other than duties, imposts, and excises for payment of expenses incurred under the general-welfare clause.

Mr. BARKLEY. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. BARKLEY. I should like to address an inquiry to the Senator from Missouri. Accepting the basis of his argument that we must interpret the general-welfare provision in connection with the power to tax, is it not true that we must do the same in regard to the common defense, because both of those phrases seem to me to have equal validity and equal force?

Mr. TAFT. I may answer that question by saying that later, in paragraphs 12, 13, 14, and 15, the Constitution gives specific power to Congress "to raise and support armies * * *; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces, and to provide for calling forth the militia."

So we not only have the power to tax for the common defense, but we also have power to tax for the general welfare.

Mr. BARKLEY. Mr. President, I had not finished my interrogatory. Assuming the words "common defense" and "general welfare" have equal validity in that portion of the Constitution, we all know that we have frequently borrowed money in order to provide for the common defense, and that we owe a very considerable sum now in the way of a public debt because we have borrowed money to provide for the common defense. Therefore, if we assume that the Constitution limits the power of taxation to the general welfare, and does the same with respect to the common defense, is it the argument of the Senator from Missouri that if it were necessary to borrow money in order to provide for the general welfare just as it may be for the common defense, that would be an illegal exercise of the power to borrow money under the provisions of the Constitution of the United States referred to by the Senator from Ohio?

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DONNELL. I suggest to the Senator from Kentucky that, as pointed out by the Senator from Ohio, there is a distinct and specific power—

to raise and support armies * * *; to provide and maintain a Navy; to make rules for the Government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union—

And so forth. Obviously these are specific clauses which go to the point of provision for the common defense. There is a particular clause in section 8, which the Senator from Kentucky will recall, of course, namely:

To borrow money on the credit of the United States.

Inasmuch as we have specific power to raise and support armies, provide and maintain a navy, and perform these other acts for common defense, I think that obviously we may borrow money on the credit of the United States for this purpose, but I maintain equally, that there is no provision other than the so-called general-welfare clause that even remotely grants any power to Congress to deal with subjects relating to the general-welfare other than the subjects which are specifically subjoined below the general-welfare clause.

I should like to present one further fact, that the only other mention, from the beginning to the end of the Constitution, as the Senator from Kentucky will recall, of the general welfare, is that which appears in the preamble to the Constitution, which has been distinctly held by the Supreme Court of the United States not to confer legislative power.

Mr. BARKLEY. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. BARKLEY. I understand that. There has long been a controversy, and notwithstanding the decision of the Supreme Court, there is yet a controversy in the minds of many people that the punctuation of article 8 referred to by the Senator from Missouri and by the Senator from Ohio might equally well have been interpreted to mean that not only could the Congress levy taxes, not only could it provide for the common defense, not only could it provide for the general welfare, but it could go on and do all these other things. Now the Constitution does specifically mention the raising of armies, but it is conceivable that the common defense of the United States may go further than the mere raising of armies and providing for a navy. We have exercised wide legislative jurisdiction over many subjects in time of war or in emergency that did not involve specifically the raising of armies or the equipping of a navy, on the basis that it was necessary to the common defense of the United States. My contention is that the words "common defense" have no more power, no more validity, than the words "general welfare," and that whatever we can do under section 8 in the interest of our common defense we can do in the interest of the general welfare.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DONNELL. As to the point made by the Senator from Kentucky concerning the dispute and controversy which has raged for many years, or did rage with respect to the punctuation of this particular portion of section 8 of the Constitution, I submit that that controversy was long since resolved. I quote at this point from a book written by the distinguished former Assistant Attorney General of the United States, author of the Supreme Court in United States History, Mr. Charles Warren, where, after referring to Mr. Justice Storey, he said:

[Judge Storey] after disposing of the theory that the general-welfare clause vested an independent and distinct power in Congress, adopted, himself, the following interpretation: That the power to levy taxes was granted for the purpose of paying the public debts, and providing for the common defense and general welfare; that Congress may lay a tax in order to pay for anything which it can reasonably deem to be for the common defense and general welfare.

I call further to the attention of the Senator from Kentucky that in the Butler case it is distinctly stated at page 64:

The Government concedes that the phrase "to provide for the general welfare" qualifies the power "to lay and collect taxes."

Mr. BARKLEY. Mr. President, will the Senator from Ohio again yield?

Mr. TAFT. I yield.

Mr. BARKLEY. Does the Senator from Missouri contend that the provision referred to by the Senator from Ohio, that Congress shall have power to borrow money on the credit of the United States, has no limitation whatsoever as to its purpose?

Mr. DONNELL. I think it does. I do not think we can borrow money to pay the expenses of those items of legislation covered by the term "general welfare" except insofar as those particular items are contained in the specific subjoined items which appear below the so-called general-welfare clause.

Mr. BARKLEY. I do not want to prolong the argument, but I wish merely to make this observation, that I think the

general power conferred upon Congress to borrow money on the credit of the United States is coextensive with the power of Congress to act under that article of the Constitution, whether it is in the interest of the common defense, in the interest of the general welfare, or for the purpose of raising an Army or equipping a Navy, or doing all the other things set forth in that section of the Constitution.

Mr. TAFT. Mr. President, it is really very pleasant to hear the Constitution discussed here as it has not been discussed for many years, while I have been in the Senate. I want only to add one word. The reason I sympathize with the view of the Senator from Missouri rather than the view suggested by the Senator from Kentucky is this: If the Senator from Kentucky is correct, there is no limit whatever to the power of the Federal Government, because anything may be for the general welfare of the United States, or so alleged to be, and if we have general power to legislate for the general welfare there is no restriction whatever on what the Federal Government may do. The independence of the States then disappears entirely from the whole constitutional picture.

Mr. BARKLEY. Mr. President, I would not agree with that interpretation. That is not the interpretation which ought to be placed upon my observation. My observation is this, and I repeat it, that the Constitution confers upon Congress power to borrow money for any purpose the Constitution authorizes the Congress to take action upon, whether it be the common defense or anything else. The common defense might relate to the Army and the Navy, and the founders might well have left out any specific reference to armies and navies, because the "common defense" obviously includes provisions for an army or a navy, or any other agency that would provide for the common defense.

I do not believe that to interpret the power to borrow money as I have indicated gives the Federal Government unlimited power to wipe out the States, or to do anything except what the Constitution itself authorizes Congress to do in carrying on the Government of the United States.

Mr. TAFT. The Senator would interpret the words to read, "Congress shall have the power to provide for the general welfare." If there is any such general grant of power in the Constitution, there is no limit on what Congress may do, so far as I can see. I think that interpretation has been repudiated by the courts, and I think we should adhere to the decisions of the courts.

Mr. BARKLEY. I am not questioning the validity of the Supreme Court decisions. What I am saying is that Congress can borrow money under the Constitution for any purpose with regard to which it is authorized to take action. It can provide for the common defense. The Constitution says that the Congress shall have power to lay and collect taxes, duties, imposts, and excises, and to provide for the common defense; but there is no prohibition against borrowing money for the common defense if the amount of money raised by taxes is not sufficient. We have done that.

Mr. TAFT. The point is that the only reference to the general welfare, and the only authority given, is to levy taxes for the general welfare. That is all. There is no power to borrow money for the general welfare. There is only power to tax for the general welfare. Therefore it seems perfectly obvious to me that under the general welfare clause we have what is called the spending power. The courts have held, in effect, that there is no limit to that spending power; but it is a spending power derived from taxation. The money is derived from taxation, under the first clause of section 8.

Mr. BARKLEY. Under that limitation we could not provide for the common defense by borrowing money. We would have to limit expenditures for the common defense to taxes.

Mr. TAFT. No; because there is specific power to raise armies and navies, and do all the things which are interpreted, in a broad way, as covering every feature required in war. That is a part of the common defense of the country.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. GEORGE. This is a most interesting discussion, and it would have been pertinent during the first 25 years of the Republic, because it was insisted by most of the interpreters of the Constitution in the beginning that the language with respect to providing for the general welfare did not grant any power, but that it was in fact a limitation upon powers subsequently granted, as well as the power to tax. But we have long since departed from that interpretation. The liberal constructionists won in that long and interesting fight, but not until a great many very eminent men in this country had expressed the view that these general words following the power to levy taxes were not an express grant of power, but a limitation upon what we could do with taxes, and what we could do with other specific powers which were granted thereafter. So we are here debating an entirely moot question, one which was settled long ago, not only in practice, but by the decisions of the courts.

My objection to the Senator's amendment is simply this: He places upon the Secretary of the Treasury a perfectly needless job of separating out of the tax moneys a certain sum of money to be set aside and kept—I presume inviolate—for the purpose of taking care of this particular appropriation. If that can be done with respect to this money, it can be done with respect to many other funds. I submit that it would place upon the Secretary of the Treasury a wholly unnecessary burden. I do not believe that at this late day anyone can argue that the words in this particular section of the Constitution to which reference is made can longer be construed merely as a limitation upon the powers granted, because certainly this Government has departed from that theory since time out of mind.

Many textbooks were written upon the subject. As a matter of fact, the question is entirely moot. It is not even a modern question. Therefore I cannot see why it is necessary to require the Secretary of the Treasury to set up a special fund, which he must take entirely out of taxes, and pay no attention to other receipts coming into the Treasury.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. DONNELL. I agree with the Senator from Georgia that the question is moot, but I agree with him only to that extent. I think it is moot in exactly the opposite sense from that to which he refers.

It was not merely 20 or 30 years after the beginning of the Republic that the decision in the Butler case was rendered. The Butler case was decided in the October term, 1935. After referring to the general welfare clause, the opinion stated:

> The view that the clause grants power to provide for the general welfare independently of the taxing power has never been authoritatively accepted.

I have before me—I shall not burden the Senate with them—various observations from Justices and authorities pointing out the controversy which arose early in the history of this country, as to whether or not this clause, because of the punctuation, or for any other reason, gave an independent general welfare power. I think it has been settled decisively by the Supreme Court that it does not.

With respect to the question of inconvenience to the Secretary of the Treasury, I cannot see any very great difficulty in the Secretary of the Treasury setting up a fund of $300,000,000 out of $40,000,000,000 derived from taxes, duties, imposts, and excises.

I conclude with one or two sentences. I believe that the term "general welfare" is one which, under the decisions of the Court, Congress has a right to determine for itself. Congress has a right to determine what is for the general welfare; but it still remains true that there is no independent power in Congress to provide for the general welfare, except insofar as that general welfare is embraced within the specific subjoined sections, and except as Congress derives power under the taxing clause.

Mr. TAFT. Mr. President, while the discussion is very interesting, the particular amendment does not seem to me to make any very great difference. I am willing to accept it or not, as the Senate wishes to decide. I think we might vote on it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BARKLEY. I am perfectly willing to vote on it; but inasmuch as I have injected an argument which has been described as moot, I should like to say just a word.

Accepting the decision of the Supreme Court in the Butler case that we cannot consider the general welfare independent of the taxing power, I still contend that there is no decision of the Supreme Court, so far as I know, that says that Congress may not borrow money on the credit of the United States for any purpose for which it may levy taxes. That

is the only question I raise. I do not know that it is important whether this amendment is adopted or is rejected; but if we have the power to tax the people for the common defense, we can borrow money for the common defense. If we have the power to tax the people to pay the debts of the United States, we have the power to borrow money from one source in order to pay debts we owe in another direction. Therefore, if we have the power to levy taxes for the general welfare of the United States, we have the power to borrow money to be expended for the general welfare of the United States. That is not inconsistent with the decision in the Butler case.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. HOLLAND. If I may comment briefly, it seems to me that the question is not a constitutional question, because I think there is not the slightest doubt that this measure comes under the general welfare clause. Second, there is not the slightest doubt that the Congress could, if it wished to do so, earmark funds for this purpose and many other purposes. As a matter of fact, if it should embark upon earmarking and special fund allocation, it could very easily create hundreds of special funds, because so few of the purposes for which revenue can be expended are specifically set out in the Constitution. Almost all the money we appropriate here could, if the Congress saw fit to do so, be made the basis of special funds, by which certain portions of the revenue would be earmarked and would require segregation; and, as the distinguished Senator from Georgia has said, this would entail a vast amount of additional book work and bookkeeping.

So far as I am concerned, it seems to me that the real objection to this amendment is that it would embark the Congress on a course of earmarking funds and setting up special funds.

The distinguished Senator from Missouri will recall that in the various conferences between the Governors of the several States which he attended, one of the subjects which caused most discussion and the utmost of trouble related to the fact that so many of the States had gotten into the very bad practice of earmarking the sources of revenue and then setting up special funds dedicated to special objectives. The distinguished Senator will remember that the Governors made special efforts in their own States to do away with that practice. I know that in my own State only recently have we gotten away from a practice by which several hundred special funds were set up, with the result that money for such special objectives was paid out from the treasury of the State from those special funds.

I think we shall embark on a practice which is not only dangerous but hurtful in the extreme, instead of helpful, if we earmark money as special funds. I do not think such a plan would help the bill. To the contrary, I think it would hurt it. I think it would embark the Congress of the United States upon a very doubtful program which would be found to be hurtful to the Nation and would entail a vast amount of additional bookkeeping. We might find ourselves in the situation in which several States which I could mention have found themselves in recent years, when they had a great deal of money, but had it locked up in various special funds, so that they could not reach it for the special purposes then needing attention. So they found themselves in real difficulty.

This is the first approach since I have been a Member of this body to a system which I think is a bad one, and which I hope the Senate will refuse to approve. So I hope the Senate will reject the amendment. I think it is bad fiscal practice to set up special funds out of which special objectives have to be subserved.

For that reason I strongly oppose adoption of the amendment.

Mr. TAFT. Mr. President, let me say that the objection raised to such funds nearly always relates to the tagging of particular tax sources for particular spending purposes, whereas the procedure under this amendment is largely a bookkeeping procedure, so far as any limitation in regard to a tax fund is concerned.

Mr. HOLLAND. Mr. President, the Senator from Ohio is correct in stating that the objection as to the State funds arises partly out of the earmarking of sources of revenue. But it arises equally, as various Senators who have served as governors have discovered, out of making special funds and special deposits and confining them to special objectives. As a matter of fact, the only distinction between the earmarking mentioned by the Senator from Ohio and that which is involved in this amendment is that under the amendment a definite sum is proposed to be earmarked. It has been proved, I assure the distinguished Senator, to be very bad fiscal policy which has gotten numerous States into difficulties and has involved endless detail and expense, and might, of course, in a fiscal matter as large as the annual budget of the United States Government, become a vastly more vicious practice; because if this field of aid to education is a proper subject for the making of a special deposit and the creation of a special fund, then every other appropriation and every other authorization of an appropriation made by the Congress relating to an objective which is not among the very few objectives specifically stated in section 8 of article I of the Constitution would be equally the subject of the creation of a special fund. There could be literally hundreds of them. I certainly hope the Congress will not embark upon such a questionable practice.

Mr. McMAHON. Mr. President, will the Senator yield to me?

Mr. TAFT. I yield.

Mr. McMAHON. I should like to ask either the Senator from Ohio or the Senator from Missouri whether he knows of any other case in which the Senate has done what the Senator from Missouri wishes to have the Senate do in this connection. I know of none. I know that the Senator from Missouri has tried to impose an amendment based on this theory on a number of bills, since he has become a member of this body.

I agree with the Senator from Florida that it would be a very dangerous precedent. I wish to raise my voice against it, because I am not sure that there will be a yea-and-nay vote.

I should like further to ask the Senator from Ohio whether in accordance with the theory of the amendment of the Senator from Missouri, the Senator from Ohio intends to have the same kind of an amendment added to his housing bill.

Mr. TAFT. Mr. President, such an amendment has not as yet been proposed to that bill. The Senator from Missouri is not a member of the Banking and Currency Committee. I suppose he will perhaps offer such an amendment from the floor, although I do not know that he will.

Mr. McMAHON. I gather that the Senator from Ohio will resist such an amendment to that bill.

Mr. TAFT. The Senator from Missouri proposed it to a health bill which is still under consideration by the Committee on Labor and Public Welfare. I said I would not object. I say today that I would not object. But I do not think it is as important as the Senator thinks it is.

Mr. McMAHON. I should like to point out to the Senator that when he made his opening statement in behalf of this bill, he very properly stated that one of the things which had caused him to change his mind in regard to Federal aid for education was the fact that approximately 1,000,000 men were rejected for service during the last war because of illiteracy.

Let me say that a push-button war is not yet possible. We shall still need men, and we shall need literate men more than ever before, as the Senator fully agrees.

So under the clause of the Constitution providing for the common defense, to say nothing of the general welfare clause, which of course is also involved, I think the amendment of the Senator from Missouri is entirely unnecessary.

Mr. HILL. Mr. President, will the Senator yield to me?

Mr. TAFT. I yield.

Mr. HILL. I should like to call attention to the fact that when the school-lunch bill was before the Senate, and when an amendment similar to this amendment was offered, the Senate took the position which has been urged this afternoon, and the amendment was overwhelmingly voted down.

A similar amendment was offered to the bill to provide Federal aid for the construction of hospitals and health centers. The views expressed here this afternoon with reference to this amendment were expressed with reference to that amendment, and that amendment was overwhelmingly rejected.

I hope we shall reach a vote on this amendment promptly; and I hope we shall not change our position, but shall exhibit the wisdom we have exhibited in the past in connection with similar

amendments, and shall reject this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. DONNELL].

The amendment was rejected.

Mr. CONNALLY. Mr. President, I call up the amendment which I have had printed and which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 15, line 7, after the word "appropriated", it is proposed to insert the following: "without any limitation of such appropriation or condition inconsistent with or contrary to the terms or purposes of this act."

Mr. CONNALLY. Mr. President, I shall state the purpose of this amendment, and the motive I have in offering it. In section 2 of the bill it is sought to be provided that in the future there shall be no change in the methods and the systems under this bill. All of us know how there has grown up in the Senate, and also in the House of Representatives, for that matter, the practice of tying limitations to appropriations. That was the case when the bill on this subject was last considered by the Senate. At that time there was offered an amendment providing a limitation as to how the funds should be used and how they should not be used. But the bill was defeated; so that provision did not become effective.

My view is that the vise and the weakness lie in the authorization clause, rather than in these general words. Section 2 can be changed at any time by limitation or by statute or by repeal. So my amendment is proposed to section 3, which is the authorization section.

Under our practice, whenever an appropriation is proposed, it is subject to a point of order unless it is possible to find, somewhere in the law, an authorization for that particular purpose. My amendment provides that the authorization under this bill and the authorization in future years under this bill shall be submitted "without any limitation of such appropriation or condition inconsistent with or contrary to the terms or purposes of this act."

In other words, if the Committee on Appropriations should report an appropriation to which was attached a limitation or a condition inconsistent with the purposes of the act, as to the expenditure of the appropriated funds, it would be subject to a point of order and it would go out of the bill.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the distinguished Senator from Virginia.

Mr. BYRD. Is it not true that if an appropriation bill should be passed tomorrow with a limitation placed in it, this amendment would have no effect? I am so informed by the Parliamentarian.

Mr. CONNALLY. My purpose is to prevent the adoption of such a limitation by making it possible to raise a point of order against it.

Mr. BYRD. I am informed by the Parliamentarian that a point of order could not be made against it, because it would be in an appropriation bill, and in an appropriation bill any appropriation may be limited regardless of previous legislation.

Mr. CONNALLY. Yes, that is true, but in order to get an appropriation at all there must be an authorization. An appropriation bill could not go beyond the terms of the authorization. If it did, a point of order could be made, and it would go out of the bill.

Mr. ROBERTSON of Virginia. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from Virginia.

Mr. ROBERTSON of Virginia. I could understand the proposition clearer if I could reduce it to a concrete case. Might this be a situation that could arise under the Senator's question? After the Congress passes this authorization, the House, the next year, might appropriate $300,000,000. The House Appropriations Committee might write into the bill, "No part of this money shall be spent in any State that practices segregation." Would the Senator's amendment reach that situation? If so, would it prevent Congress from putting a limitation of that kind in an appropriation bill?

Mr. CONNALLY. I may say to the Senator, that is one of the purposes actuating the Senator from Texas in offering the amendment.

Mr. ROBERTSON of Virginia. I merely wanted to be clear in my own mind.

Mr. CONNALLY. In a situation of that kind, when the bill came to the Senate, it would go to the Committee on Appropriations. If the committee reported it, then under my amendment the limitation would be subject to a point of order as being not within the terms of the authorization.

Mr. ROBERTSON of Virginia. Is that the Senator's intention?

Mr. CONNALLY. That is my intention.

Mr. ROBERTSON of Virginia. The next question is, has the Senator from Texas assured himself that his intention will be effectuated?

Mr. CONNALLY. Nobody can assure himself about anything in this body. [Laughter.] I mean by that that nobody can speak with exactitude as to what may happen in the future. The law might be amended, through the addition of limitations and conditions which would change its whole scope. I am seeking to prevent that. I am seeking to hold it to the purposes and the terms of this particular bill.

Mr. ROBERTSON of Virginia. I assume the senior Senator from Texas will agree with me that as the bill now stands there would be nothing to prevent an appropriation committee, especially in the House, under the Ramseyer rule, from attaching a limitation of that kind.

Mr. CONNALLY. Of course not. It could attach any limitation. It could be provided that none of the money should be spent on the education of boys who have red hair.

Mr. McCLELLAN. Mr. President——

Mr. CONNALLY. I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I want to call attention to the provision which is already in the bill and which, in my judgment, goes as far as it is possible to go to prevent a limitation being placed on an appropriation bill.

I am in accord with the objectives of the Senator's amendment. Insofar as it can be done, I want to see it done. But I call attention to lines 16, 17, and 18, on page 14 of the bill as already written, which read:

or any limitation or provision in any appropriation made pursuant to this act, seek to control in any manner, or prescribe requirements with respect to, or authorize any department, agency, officer, or employee of the United States—

And so forth. In other words, the provision which has already been written into the bill is about as strong as it is possible to make it. If the Senator's amendment makes it stronger——

Mr. CONNALLY. The Senator's amendment makes it stronger, for this reason: The language which the Senator quotes is all very well, but it does not touch the question of limitation.

Mr. McCLELLAN. It uses the word "limitation." It says, "or any limitation."

Mr. CONNALLY. I know it does.

Mr. McCLELLAN. It is bound to touch it a little.

Mr. CONNALLY. I know it is mentioned, but under the rules of the Senate, if an appropriation bill were reported under this authorization, it would be subject to any kind of limitation that the Senate wanted to put on it, and the language to which the Senator refers would not control it at all.

Mr. McCLELLAN. I want to say to the Senator from Texas that I am wholly in accord with his objective, if there is any way in the world of reaching it.

Mr. CONNALLY. I thank the Senator.

Mr. McCLELLAN. I call the Senator's attention to the fact that the bill as now written undertakes to prohibit any limitation being placed on an appropriation by the Appropriations Committee.

Mr. CONNALLY. That is true. But we then come to the next section, which authorizes an appropriation of $300,000,000, with no strings attached.

Mr. McCLELLAN. It might be well to strengthen the bill again at that point. I am not objecting.

Mr. CONNALLY. That is what I am trying to do. I have endeavored to find the best way of doing it. I cannot guarantee it will be 100-percent perfect. When the appropriation comes before the Senate, there will be a fight on it. But we know that if we pass the pending measure, there will be limitations of some kind offered on the floor at every session of the Congress.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from Ohio.

Mr. TAFT. I have every sympathy with the purpose the Senator seeks to accomplish through the amendment. We endeavored to write everything into the bill we could. However, it seems to me the Senator has perhaps suggested another provision which may make it

still stronger and which may possibly—though I do not venture to predict—make a limiting amendment subject to a point of order, at least in the House. It is more difficult, under our rules, to do that in the Senate if a bill has actually been reported. Certainly, so far as I am concerned, and subject to approval by the Senate, I should be willing to accept the Senator's amendment. It is absolutely in line with what we tried to do in section 2, and is certainly in accord with the general purpose which influenced me very strongly in sponsoring the bill.

Mr. CONNALLY. I thank the Senator.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from Virginia.

Mr. BYRD. I may say to the Senator from Texas that I am in accord with the amendment, but let me call attention to the fact that what we must do is to amend the rules of the Senate.

Mr. CONNALLY. The Senator is on the Rules Committee. I hope he will see that that is done.

Mr. BYRD. I am not on the Rules Committee now. This would have no effect so far as the Senate rules are concerned, because the Senate rules provide that an appropriation may be limited. It would be necessary to amend the Senate rules in order to make this effective.

Mr. BARKLEY. Mr. President, if the Senator will yield, that raises the question of whether the rules of the Senate can take priority over a law enacted by Congress, which otherwise might have the effect of nullifying the rules.

Mr. CONNALLY. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McMAHON. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The Chief Clerk read the amendment, as follows:

1. On page 15, amend section 4 (A) to read as follows:

"Multiply (a) the number of pupils in average daily attendance at public elementary and public secondary schools, as determined on the basis of reports submitted by the State for such purpose, for the third calendar year next preceding the year in which ends the fiscal year for which the computation is made by (b) $45."

2. On page 16, amend section 4 (C) to read as follows:

"Subject to the succeeding provisions of this section, the amount of the Federal allotment for any State shall be (a) the amount, if any, by which the amount calculated under paragraph (A) exceeds the amount calculated under paragraph (B) with respect to such State, or (b) $5 multiplied by the number of pupils in average daily attendance at public elementary and public secondary schools in such State, as determined under paragraph (A), whichever is greater."

3. On page 19, amend section 6 to read:

"In order more nearly to equalize educational opportunities, the funds paid to a State from the funds appropriated under section 3 of this act shall be available for disbursement by the State educational authority, either directly or through payments to local public-school jurisdictions or other State public-education agencies, for any current expenditure for elementary or secondary public-school purposes."

4. On page 25, after line 21, add two definitions to section 9:

"(G) The term 'number of pupils in average daily attendance at public elementary and public secondary schools' means the aggregate days of attendance by pupils regularly enrolled in such schools during the school year divided by 175.

"(H) The term 'public elementary and public secondary schools' means tax-supported elementary schools and high schools at least 90 percent of whose pupils are in full-time attendance, and, in the case of secondary schools, at least 50 percent of whose graduates are under 18 years of age at the time of graduation, and which are under the control and direction of the State or a local subdivision thereof."

At the end of the bill, add title II, to read as follows:

"TITLE II—ASSISTANCE TO NONPUBLIC TAX-EXEMPT SCHOOLS OF SECONDARY GRADE OR LESS FOR NECESSARY TRANSPORTATION OF PUPILS, SCHOOL HEALTH EXAMINATIONS AND RELATED SCHOOL HEALTH SERVICES, AND PURCHASE OF NONRELIGIOUS INSTRUCTIONAL SUPPLIES AND EQUIPMENT, INCLUDING BOOKS

"APPROPRIATIONS AUTHORIZED

"SEC. 201. For the purpose of reimbursing nonpublic tax-exempt schools and school systems of secondary grade or less for not to exceed 60 percent of their actual expenses incurred in providing (a) necessary transportation of pupils, (b) school health examinations and related school health services, and (c) purchase of nonreligious instructional supplies and equipment, including books, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1949, and annually thereafter, the sum of $5,000,000, to be apportioned to the States in the proportion that the number of pupils in average daily attendance at nonpublic tax-exempt schools of secondary grade or less bears to the total number of such pupils in all the States.

"CERTIFICATION AND PAYMENT

"SEC. 202. At the beginning of each fiscal year the Commissioner shall certify to the Secretary of the Treasury the amounts apportioned under this title to each State which has agreed to accept the provisions of this title and to disburse the funds received for the purposes set forth in section 201 to nonpublic tax-exempt schools of secondary grade or less. The Secretary shall, through the Fiscal Service of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the treasurer or corresponding official of such State the amount so certified as soon after the 1st day of September as may be feasible beginning with the fiscal year for which appropriations made under the authorization of this title become available. Each such treasurer shall account for the moneys received as trustee and shall pay out such funds only on the request of the State educational authority: *Provided, however,* That if in any State the State educational authority is not permitted by law to disburse the funds paid to it under this title to nonpublic tax-exempt schools in the State, the Secretary shall withhold the funds apportioned to any such State, said funds to be disbursed by the Secretary directly to such nonpublic tax-exempt schools and school systems of secondary grade or less as have been certified by the Commissioner to be entitled to receive the same in such States.

"AVAILABILITY OF APPROPRIATIONS

"SEC. 203. In order to qualify for receiving funds appropriated under section 201 hereof a nonpublic tax-exempt school or school system shall annually submit to the State educational authority, or in the case of States not permitted by law to administer the provisions of this title, to the Commissioner, (a) an application for funds in reimbursement for not to exceed 60 percent of the actual expenditures incurred during the next preceding fiscal year for the purposes specified in section 201; (b) a report of the number of pupils in average daily attendance during the fiscal year for which the reimbursement is claimed; (c) an agreement to permit an inspection or audit of its accounts of expenditures made for the purposes specified in section 201 either by the State educational authority or by the Commissioner, as the case may be.

"DEFINITIONS

"SEC. 204. As used in this title—

"(a) The term 'State' means the several States, the District of Columbia, Alaska, Hawaii, and Puerto Rico.

"(b) The term 'number of pupils in average daily attendance' means the aggregate days of attendance by pupils regularly enrolled in nonpublic tax-exempt schools of secondary grade or less during the school year divided by 175.

"(c) The term 'schools of secondary grade or less' means elementary schools and high schools at least 90 percent of whose pupils are in full-time attendance and, in the case of high schools, at least 50 percent of whose graduates are under 18 years of age at the time of graduation.

"(d) The term 'nonpublic tax-exempt schools' means any private school exempt from taxation under section 101 (6) of the Internal Revenue Code, as amended.

"(e) The term 'State educational authority' means, as the State legislature may determine, (1) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (2) a board of education controlling the State department of education; except that in the District of Columbia it shall mean the Board of Education.

"(f) The term 'related school health services' means services of physicians, dental hygienists, nurses, nutritionists, and similar health-service personnel employed by the school authorities to provide preventative and diagnostic health services, other than actual medical, surgical, or reparative dental treatment."

Mr. TAFT. Mr. President, I should like to say a brief word, with the consent of the author of the amendment, as to what the situation is regarding private and parochial schools. The issue is really a very narrow one. The Supreme Court has, in effect, said that we cannot appropriate any money for education in sectarian schools. The court has not ruled so clearly, however, on certain incidental services. There are 19 States which provide bus transportation for students attending parochial schools. That does not involve any considerable expense. Practically the regular busses are used to pick up the Catholic children as they go along the road. There are five States which give aid toward furnishing free school books, which, to some extent, reach those children. There are some health services. Personally, I think health services belong in a health bill, and not in the bill which is under consideration. It might be said that in some States they are considered school services. What the bill provides is that in cases where States provide such services they may use Federal funds to supplement their own money in connection

with the services. The Senator from Missouri [Mr. DONNELL] attempted to prevent the 19 States to which I have referred from using Federal funds for such purposes.

The amendment just offered has, in effect, the opposite result. It provides that in the other 29 States we must give Federal money for those services, although the people in those States have not approved such a course as a matter of State policy.

It seems to me we can be safe only if we hew to the middle line proposed by the bill, namely, that we reject the amendment offered by the Senator from Missouri [Mr. DONNELL] and also reject the amendment offered by the Senator from Connecticut [Mr. MCMAHON], because in that case we shall leave it to each State to decide what its educational policies shall be in the very narrow field of certain supplemental services.

That seems to me to be fair and in accordance with the idea of the bill. We should not interfere with States which do not want to give these services and which have disapproved of them in many cases. We should no more force States to give them than we should prevent the States that want to give them from so doing. That is what we decided in the case of the Donnell amendment.

So, Mr. President, I oppose this amendment as I opposed the other amendment. I wanted to state my position today. I understand the Senator from Connecticut [Mr. MCMAHON] wishes to present the case more fully tomorrow. I only wanted to analyze the situation as I see it as to why the position taken by the committee would simply leave to each State the decision of the question.

Mr. WHERRY. Mr. President, as indicated by the distinguished Senator from Ohio, the arrangements are that the pending question shall be the so-called McMahon amendment when we take a recess until tomorrow. That amendment will be the pending business when the Senate reconvenes.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. WHERRY. I yield to the Senator from Florida.

Mr. PEPPER. Mr. President, I want to call the attention of the Senate to two statements which appear in the CONGRESSIONAL RECORD for last week. One appears in the RECORD for Tuesday, March 23, beginning on page 3319, and the other appears in the Appendix of the RECORD, beginning on page A1758.

Both of these statements refer to the firm of Dillon, Read & Co., and one refers specifically to the Secretary of Defense, James Forrestal. In addition, a Member of this body, the Senator from Idaho [Mr. TAYLOR], recently wrote a letter to President Truman on the same subject.

While, as the Senate well knows, I have at times been critical of the Military Establishment, nevertheless I think that there is an issue of fair play involved here—and I also feel that this body, and the country at large, deserves to have accurate facts on any association the Secretary of Defense may have, or may have had, with the firm of Dillon, Read & Co.

Accordingly, I wish to read into the RECORD the following statements, which were made by the Senator from Maine [Mr. BREWSTER], and Secretary of Defense Forrestal in the course of a recent hearing on Saudi Arabian oil, which the Senate War Investigating Committee conducted on January 29 and in which I participated. The statements to which I refer read as follows:

Senator BREWSTER. I think I should ask you this, Mr. Secretary, probably for yourself as well as for the record, because there has been some intimation as to your association with the oil business, and I would be glad to have your statement regarding that, so that there need be no question as to precisely the situation.

Secretary FORRESTAL. I would be very glad to furnish your committee with a list of my investments.

Senator BREWSTER. No; I did not have reference to that.

Secretary FORRESTAL. My associations otherwise?

Senator BREWSTER. Have you not seen any suggestion regarding that; it was as to your activities in private business and former connections with some of these companies here concerned?

Secretary FORRESTAL. I was employed by the firm of Dillon, Read & Co., from 1915 to 1923, and became a partner in 1923. During that period, and from then on, I think that my firm financed, either through the sale of bonds or stock, the securities of the Standard Oil of California, of the Union Oil of California, the Amerada Corp., and Royal Dutch at one time, and the Texas Co. That, I think, is all. I will check my records and let you have any additional ones.

Senator BREWSTER. I thought it would be well to have that.

Secretary FORRESTAL. I should add to that, although it may be gratuitous, that my association with the firm of Dillon, Read & Co. ceased as of the year 1940, at which time I withdrew the capital I had in that enterprise, and obviously withdrew from any sharing in its earnings.

Senator BREWSTER. So that we have the benefit of your knowledge regarding petroleum acquired in your earlier experience but without any impairment of your interest in the public welfare, as the result of any private connections.

Secretary FORRESTAL. I hope that is true, Mr. Chairman.

Senator BREWSTER. I gather that it is.

Mr. PEPPER. I simply wanted those facts, which I thought were pertinent to discussions which have been had in the public press, to be made of public record.

MONOPOLY AT ALASKA'S THROAT—ARTICLE BY RICHARD L. NEUBERGER

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an article which appeared in the latest issue of the Nation, entitled "Monopoly at Alaska's Throat," by Richard L. Neuberger. I offer the article with the recommendation to the Senate Committee on Interstate and Foreign Commerce that that committee proceed without delay to make inquiry into allegations set forth in the article, because if such an inquiry supports the allegations, no time should be lost in taking the necessary steps to correct the situation which Mr. Neuberger points out in his article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONOPOLY AT ALASKA'S THROAT

(By Richard L. Neuberger)

SEATTLE, March 2.—Monopolies are now an announced target of the administration. One of the worst should be easy to hit in a fatal spot. This is the Alaskan shipping monopoly, which drains the Territory's pioneer economy by levying the highest ocean freight rates charged by any ships under the American flag. Of all monopolies it is the most vulnerable to administration attack because it operates under the approval and protection of the Federal Maritime Commission. Indeed, the Commission could end it tomorrow—and a majority on the Commission are President Truman's appointees. If the administration wants to do something about monopoly, the tight little monopoly which dominates Alaskan shipping to the detriment of Alaska is the place to begin.

Living costs in Alaska are from 38 to 116 percent higher than in the United States, according to the distance from Seattle. Freight rates are behind these sky-high inflationary prices. It costs $26 to ship a ton of fresh vegetables the 1,400 miles from Seattle to the Alaskan port of Cordova; the rate from San Juan to New York City, an equal distance, is $10.80.

The benefits from these exorbitant Alaskan rates are confined virtually to one Seattle family. In 1946 Congress authorized a lavish North Pacific shipping subsidy: Government vessels could be rented for $1 a year, with free hull insurance included. The Maritime Commission then decided that Gilbert W. Skinner was to be the principal beneficiary of this Federal largess. Three companies were chosen to receive the subsidy—Alaska Steamship Co., Northland Transportation Co., and Alaska Transportation Co., all based in Seattle. Skinner, Seattle's leading salmon broker, is president of Alaska Steam, and he and his son control two-thirds of Northland Transportation. Alaska Steam and Northland were to operate 21 boats, Alaska Transportation 4. Only Alaska Steam was authorized to call at the main Alaskan ports of Seward and Whittier, where all freight for the vast interior is discharged.

Many generations of Americans have dreamed of the development of Alaska. In the last speech he ever delivered standing on his feet Franklin D. Roosevelt, from the bridge of a destroyer, prophesied the opening of a new land of opportunity in the north. Instead, Alaska has been garroted in a collar of high freight rates fitted by this one-family shipping monopoly—a monopoly established with the connivance of the United States Government.

Only Alaska Steam can put in at Kodiak Island. Residents of Kodiak pay $27 a ton to get washing machines, radios, and fresh meat transported from Seattle, though Mr. Skinner's friends in the salmon industry can send their product to Seattle for only $12. "High transportation rates are responsible, more than any other one factor," declares George Sundborg, manager of the Alaskan Development Board, "for the economic backwardness of Alaska and for a cost-of-living level so high as to discourage settlement and make colonization impossible."

A 33-year-old veteran of Grenfell's Labrador expeditions named Phil Briggs thought he had the answer. He would take cargo out of the British Columbia seaport of Prince Rupert, 700 miles north of Seattle. During the war, when Japanese troops crouched in the Aleutians, the American Army developed Prince Rupert as its chief Alaskan supply base. Briggs would haul an automobile from

Prince Rupert to Petersburg for approximately half the toll from Seattle.

Clearly this was a threat to Skinner's supremacy in Alaskan waters, and the Maritime Commission sprang to his aid. Although Congress had made the North Pacific subsidy available to any American-flag line, and Briggs was operating under the Stars and Stripes, the Maritime Commission barely acknowledged his letter requesting participation in the subsidy. This meant that Briggs would have to buy his own boats and carry his own hull insurance—and compete against companies getting both items out of the United States Treasury. Small wonder that since the Briggs episode the President's professions of sympathy for small business are greeted somewhat cynically in Alaska.

Canadian vessels operating out of Prince Rupert might crack the Skinner monopoly except for one fact. A clause in the Maritime Act denies Alaskans the right to use Canadian ships for freight or passenger service between Prince Rupert and Alaska. Since American ports on the Great Lakes and the Atlantic are free to use Canadian shipping, this is direct discrimination against Alaska, and Senator BUTLER, of Nebraska, and Delegate BARTLETT, of Alaska, have introduced legislation to end it. The Maritime Commission has advised against passage of the Butler-Bartlett bill. This advice was done up in the familiar patriotic wrappings: The American merchant marine must not be imperiled. Although Canadian boats seem to constitute a threat to American interests, the Maritime Commission says nothing about Gilbert W. Skinner's operation of the yacht *Corsair* under the flag of Panama as a luxury cruise vessel.

The United States Supreme Court has ruled that if Alaska were a State, the law denying its people the use of Canadian ships would be unconstitutional. Only a territory may be thus discriminated against. This may explain why Seattle business interests favor statehood for Hawaii but not for Alaska. Even the State of Washington's leading Democrats, Senator MAGNUSON and Governor Wallgren, oppose statehood, unwilling to help Alaska wrest itself loose from the clutch of Seattle shipping companies.

With the collaboration of the Maritime Commission, Skinner and his associates juggle rates to fit their own convenience. Not long ago Alaska Steam reduced by 75 percent the freight on insulating cork. The Alaska Development Board contends this was done primarily because Skinner and his partners are constructing a cold-storage plant on the Alaskan peninsula. On the same day that it lowered the rate on cork, Alaska Steam hoisted the freight on flour to Fairbanks from $2.33 a hundredweight to $3.81. Fairbanks housewives, when they buy bread, are subsidizing Skinner's cold-storage plant.

During the war Alaskans noted that the many congressional committees which visited the Territory, if they came by sea, almost invariably traveled on Canadian boats because they furnished better service, food, and accommodations than the American boats. Congress and the Maritime Commission have teamed up to deny these amenities to the people of Alaska. "Federal law keeps out Canadian competition," says Gov. Ernest Gruening. "By restricting the subsidy, the Maritime Commission keeps out United States competition. Alaska is left to the mercy of the Seattle companies, which really means Gilbert W. Skinner and his enterprises."

American voters should know how an agency of their Government helps to keep Alaska wilderness. A cannery at Kodiak pays $10 a ton in freight tolls on wire to repair its salmon traps. A homesteader on the same island pays $17 freight on a ton of wire to string a fence. The average Alaskan family must spend approximately $450 a year in ocean freight on its food alone.

A group of ex-GI's hopefully founded a cooperative colony at Chilkoot Barracks, Alaska's oldest military post. They were acclaimed in many periodicals as twentieth-century pioneers. They planned to establish a shipping service between Juneau, the Alaskan capital, and Haines, a port leading to the famous Alcan Highway. Today the colony is falling apart. Its 30-year-old founder, Steve Larsson Homer, is night clerk in a dingy hotel in Portland, Oreg. "We had a natural transportation route to the Alaskan interior," he said. "But the lumber companies wouldn't give us a contract to transport their products. They said they were afraid Alaska Steam would learn of it and refuse to serve them. They said they were at the mercy of Alaska Steam."

Alaska Steam fares well with the generous Federal subsidy. During a 4-month period its revenues was $5,400,000 and its operating expenses $3,700,000. As long as the Maritime Commission refuses to honor subsidy requests from American companies based at Portland or Prince Rupert, Seattle steamship corporations can deal with Alaska as cavalierly as they wish. Rates are hiked summarily; boat schedules altered overnight.

In 1946 a strike of A. F. of L. checkers shut down the port of Seattle for more than 70 days. Alaskan hospitals ran out of drugs and had no fuel oil on days when it was 50 degrees below zero. Alaskan children had no Christmas toys. The Maritime Commission was quick to hoist antilabor pennants, forgetting that it was responsible for the lack of alternative shipping routes through Portland and Prince Rupert.

Many devices are employed to keep Alaska in the grip of one of the tightest existing monopolies. Statehood would give Alaska two Senators acting in Alaska's interests. Recently a prominent Alaskan, heading the Alaska delegation to a Pacific Northwest chamber of commerce conference on Alaskan problems, said the people of the Territory did not really want statehood, in spite of a decisive referendum favoring statehood more than a year ago. The prominent Alaskan turned out to be a resident of a fashionable Seattle suburb.

To break the grip of the shipping monopoly on Alaska, only two steps are required: (1) Make Canadian ships available for the Alaskan trade; and (2) extend the Federal subsidy to companies operating out of Portland and Prince Rupert. The Maritime Commission can recommend the first step to Congress. It can undertake the second step itself. It can also give permission to some operator besides Gilbert W. Skinner to serve the ports on the Gulf of Alaska. So long as the commission supports the shipping oligarchy to which it has delivered over the people of Alaska, it is hard to take at face value the many strictures against monopoly contained in the President's message on the state of the Union.

AMERICAN TRUSTEESHIP SUGGESTION FOR PALESTINE

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD as part of my remarks a statement by the Australian Minister for External Affairs on American trusteeship suggestion for Palestine, and I recommend that it be carefully considered, not only by Members of Congress but by the State Department and by the delegation of our country at the United Nations itself, because I think there can be no question that we need more facts than those which have been given to us to date in regard to our Government's position on the Palestine issue. As I said a few weeks ago, if we made a mistake on the merits of partition we should reconsider our position. But thus far I have been able to reach no other conclusion on the basis of such information as has been supplied to me to date, than that the position of our Government is not one on the merits or demerits of partition, but only on the question as to whether enforcement of partition might endanger peace.

I submit that the United Nations can never survive as an instrumentality for maintaining peace if it ever proceeds to function on the basis of the proposition that when any country or any group of countries threatens the peace by a refusal to comply with a decision of the United Nations, we shall then reverse our position on that decision. I repeat the same position I took 2 weeks ago, that if on the merits of partition the United Nations should reconsider I am willing it should reconsider, but if all our State Department and our delegation in the United Nations offers us is a suggestion for trusteeship on the basis that to insist that partition may endanger the peace, then I think if we are to have international government by law we are going to have to meet that issue of enforcement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AUSTRALIAN MINISTER FOR EXTERNAL AFFAIRS, DR. H. V. EVATT, ON AMERICAN TRUSTEESHIP SUGGESTIONS FOR PALESTINE

The following is the text of a statement made at 11 p. m. Monday, March 22, 1948, by the Australian Minister for External Affairs and Deputy Prime Minister, the Right Honorable Dr. Herbert V. Evatt:

"Decisions of a competent international conference should be accepted after there has been full inquiry and fair debate and a just settlement has been reached. Accordingly any setting aside of the United Nations Assembly decision on Palestine must be closely scrutinized. It is impossible to examine the new plan in detail because nothing definite is known about it. It is said the 'trusteeship' will be the new solution. But the word itself is ambiguous. What does it mean? It certainly seems to imply that the peoples to be placed under trusteeship are not sufficiently advanced for self-government. Such a suggestion would seem to be untenable in relation either to the Palestinian Arabs or to the Palestinian Jews. If however what is now proposed is a temporary United Nations trusteeship merely for the purpose of carrying out the Assembly's decision it would be a very different matter. But is that intended? The final decision was reached in December last after two General Assemblies had dealt most carefully and exhaustively with the matter after all parties were heard and after a special commission involving very heavy United Nations expenditure had visited Palestine and reported in favor of the principles of the plan ultimately adopted in the Assembly. The plan adopted is inappropriately labeled 'partition' because it involves four separate points: First, economic union of the whole of Palestine under the control of an authority with a majority of United Nations membership; second, political division of Palestine into two new states, Jewish and Arab; third, United Nations trusteeship over Jeru-

salem and Bethlehem; and fourth, full safeguards for the holy places and especially for the Christian churches throughout the whole of Palestine. The only alternative plan suggested to the Assembly was to establish a unitary state under Arab domination with no adequate safeguards for the protection either of the Jewish people or of the Christian churches. This alternative was plainly inadmissible and was rejected by an overwhelming majority. The United Nations decision was reached by more than a two-thirds majority, the only dissentients being the Arab States and certain nations very closely associated with them. The decision was a just and impartial one and must not be lightly set aside.

"The United Nations did not intermeddle in the Palestine matter. It intervened only after the United Kingdom Government had especially requested the United Nations Assembly to handle the matter as all previous efforts at reconciliation between the Arabs and Jews had entirely failed. At the United Nations the British Government did not itself propose any solution and announced it would accept the United Nations decision. In these circumstances Canada, Australia, South Africa, and New Zealand all supported the proposal finally adopted. After all that had occurred to throw the solution into the melting pot again may be very damaging to the authority of the United Nations. It has been contended that the enforcement of the Assembly's decision is not possible. Had the great powers who supported the proposal at Lake Success, N. Y., adhered firmly to it there probably would have been little difficulty. In any event under the Assembly's decision the new Jewish State and the new Arab State was each to be entitled to establish its own militia forces for the defense of the new territory and this decision clearly carried with it the right of Jews as well as Arabs to import arms and equipment for the purposes of defense. It is impossible to pass final judgment on the new proposal because no one has explained it as yet. I was chairman of the committee which worked assiduously to obtain a just solution. The committee repeatedly modified its proposals at the suggestion of the mandatory power in order that the United Kingdom should be able to withdraw its forces after its long, its thankless, but on the whole, successful development of the Palestine area since it was captured from the Turks by the British and Australian forces in 1918.

"In my opinion, the United Nations decision has been gradually undermined by intrigues directed against the Jewish people. It would be little short of a tragedy if the fundamental rights of self-government were to be denied to both the Jews and Arabs as it is guaranteed to them under the Assembly decision just as religious freedom is also guaranteed to the Christian churches throughout Palestine. The only considerations that influenced the United Nations Assembly were those of justice and fair dealing to all concerned. It would be most disturbing if mere considerations of power politics or expediency were allowed to destroy the decision. However, if a special United Nations Assembly is called it is hardly likely to accept any plan which involves the annihilation of the previous decision unless new facts of overwhelming cogency are proved to exist.

"I need hardly add that under the United Nations Charter the Security Council has no power whatever to overrule the recommendation of the Assembly."

AUTHORIZATION FOR SIGNING, ETC., OF RUBBER ACT OF 1948

Mr. WHERRY. Mr. President, I ask unanimous consent that the Secretary of the Senate may receive a message from the House of Representatives on the bill (H. R. 5314) to strengthen national security and the common defense by providing for the maintenance of an adequate domestic rubber-producing industry, and for other purposes, as the law will expire tonight. I further ask that the President pro tempore may sign the enrolled bill during the recess following the session today.

The PRESIDING OFFICER. Without objection, the order is entered.

RECESS

Mr. WHERRY. Mr. President, before moving a recess I should like to announce for the record that it is the intention to attempt to conclude the consideration of the pending bill, the Federal aid to education bill, by tomorrow night. There is still to be considered one amendment, possibly there are two or three, and it is the hope to get them out of the way first, because there will be Senators who would like to speak on the bill as it shall have been amended, if it shall be amended. I wish to state for the record, and bring to the attention of Senators, that it is possible there will be record votes on one or two or three of the amendments tomorrow afternoon.

I now move that the Senate take a recess until tomorrow at noon.

The motion was agreed to; and (at 5 o'clock and 4 minutes p. m.) the Senate took a recess until tomorrow, Thursday, April 1, 1948, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 31 (legislative day of March 29), 1948:

IN THE ARMY

APPOINTMENTS IN THE REGULAR ARMY IN THE ARMY NURSE CORPS AND THE WOMEN'S MEDICAL SPECIALIST CORPS

To be captains

Inez I. Baum, WMSC (PT), M443.
Olga S. Heard, WMSC (Diet.), R75.

To be first lieutenants

Phyllis D. Barsh, ANC, N773722.
Roberta Broyles, ANC, N790616.
Catharine A. Burgmeier, ANC, N779920.
Kathleen R. Creech, WMSC (Diet.), R648.
Evelyn C. Ekstrom, ANC, N754110.
Virginia M. Elder, ANC, N723862.
Ruth M. Engel, ANC, N778098.
Juanita E. Fannin, ANC, N768913.
Lu Gomez, ANC, N788919.
Lulu J. Hartman, ANC, N768377.
Mona O. Hetland, ANC, N777355.
Elizabeth A. Hughes, ANC, N745171.
Esther M. Knoedler, ANC, N732206.
Jean M. Lang, ANC, N721159.
Edna H. Livaudais, WMSC (PT), M1232.
Helen Logan, ANC, N787308.
Frances A. Lusas, ANC, N751622.
Rose M. MacKellar, WMSC (Diet.), R190.
Ethel S. Madden, ANC, N785083.
Ann Markey, ANC, N731072.
Alice M. McDowell, ANC, N768192.
Agnes L. Miller, ANC, N727259.
Alyce G. Milne, WMSC (OT).
Nadine A. Neisig, ANC, N772760.
Rita M. Pfeiffer, ANC, N773595.
Edna L. Phariss, ANC, N732558.
Mary E. Pierce, ANC, N728765.
Olie B. Reed, ANC, N724951.
Margaret J. Rice, ANC, N759617.
Helen A. Rydzewski, ANC, N755886.
Edythe B. Sanborn, ANC, N752594.
Catherine E. Sanford, ANC, N723466.
Dorothy F. Shaw, ANC, N783003.
Barbara M. Short, ANC, N775527.
Carol V. Smith, ANC, N775342.
Virginia L. Smith, ANC, N773897.
Betty J. Snyder, WMSC (PT), M2496.
Doris M. Vance, ANC, N732635.
Tannie E. Westmoreland, ANC, N764987.
Mary W. Wilborne, ANC, N759122.

To be second lieutenants

Gloria F. Coradi, ANC, N754740.
Frances A. Foley, ANC, N792054.
Marjorie A. Mell, WMSC (OT).
Miriam A. Schulz, ANC, N796722.
Gisela M. Zernick, ANC, N800184.

WITHDRAWALS

Executive nominations withdrawn from the Senate March 31 (legislative day of March 29), 1948:

POSTMASTERS

Mrs. Wilberta G. Silveira to be postmaster at Searchlight, in the State of Nevada.

Clarence K. Kratz to be postmaster at Silverdale, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 31, 1948

The House met at 10 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal and ever-loving Father, we praise Thee, we magnify Thee, we give thanks unto Thee for Thy great glory. It comforts us to know that when wicked men seek to destroy the blessings that are dear to the human heart Thou dost ever uphold the order of this world.

O give us minds to understand that by our endeavors and generosity the welfare and peace of all men are advanced. Stay Thou the injustice that binds heavy burdens upon the weak and cruel wrongs upon the innocent. For hesitation, give us insight; for prejudice, give us open minds; from spiritual bondage, give us a blessed relief.

Therefore, my beloved brethren, be ye steadfast, unmovable, always abounding in the work of the Lord, forasmuch as ye know that your labor is not in vain in the Lord. Through Jesus Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2393. An act to promote the general welfare, national interest, and foreign policy of the United States by providing aid to China.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5314) entitled "An act to strengthen national security and the common defense by providing for the maintenance of an adequate domestic rubber-producing industry, and for other purposes."

EXTENSION OF REMARKS

Mr. DAGUE asked and was given permission to extend his remarks in the